

12th Nov. 44

Letter of 18th December, 44

12 NOVEMBER 1947

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of
EXHIBITS

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of

EXHIBITS

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1 MARSHAL OF THE COURT: The International
2 Military Tribunal for the Far East is now in session.

3 ACTING PRESIDENT: All the accused are present
4 except MATSUI, who is represented by counsel. We have
5 a certificate from the prison surgeon at Sugamo certi-
6 fying that he is ill and unable to attend the trial
7 today. This certificate will be recorded and filed.

8 General Vasiliev.

9 GENERAL VASILIEV: The Soviet prosecution has
10 received by telegraph information from competent
11 Soviet organs to the effect that TOMINAGA, YANAGITA,
12 AKIJUSA, USHIROKU, and OTSUBO, the Japanese prisoners
13 of war now in the USSR who have been called to appear
14 as witnesses before the International Military Tribunal
15 in Tokyo, cannot be brought here for the reasons that
16 TOMINAGA, YANAGITA, AKIKUSA, and USHIROKU are under
17 investigation on charges of war crimes, and OTSUBO
18 is an important witness in their case.

19 ACTING PRESIDENT: Thank you.

20 Colonel Woolworth.

21 MR. WOOLWORTH: If the Tribunal please.

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TORASHIRO KAWABE, called as a witness
1 on behalf of the defense, resumed the stand
2 and testified through Japanese interpreters
3 as follows:

CROSS-EXAMINATION

BY MR. WOOLWORTH (Continued):

Q Witness, you stated at the last session of
7 the Tribunal that you were certain that General MINAMI
8 knew the number of troops and their disposition in
9 Manchuria during the time he was commanding general
10 of the Kwantung Army?

A Yes.

Q In that connection I desire to invite your
14 attention to exhibit 2207, which appears at page 15,785
15 of the record, a part of which, beginning at the third
16 line of that page, reads as follows:

"Q When did you take command of the Kwantung
18 Army?

"A December, 1934.

"Q And you remained in command of that army
21 for upwards of two years?

"A One year and three months.

"Q How many troops did you have under your
24 command in Manchuria at that time?

"A About 60,000, I believe."

"Witness, are you willing to concede now that you were mistaken in your statement in your affidavit that there were only 30,000 troops in Manchuria?

MR. BROOKS: I object to that question, if your Honors please, as being repetitious, in that the witness has already answered it, and he did not state it was only 30,000. He explained it in his answer.

ACTING PRESIDENT: I take it that it is somewhat repetitious, but I understand this is preliminary to further questioning.

Objection overruled.

BY MR. WOOLWORTH:

Q If there were 60,000 troops in Manchuria, as General MINAMI has stated, the Kwantung Army was not in such a condition at that time as it was inconceivable to concentrate so many troops at one spot, isn't that so?

A "With regard to that, I should like to explain as follows: "When in my affidavit I spoke about the difficulty of making any concentration of troops, I was not making any comparison of numerical strength. Speaking of the numerical strength only, in so far as I can recall, even though the number of troops under the command of the commanding general of the Kwantung Army at that time was 60,000, it was under the circum-

stances at that time extremely difficult even to concentrate combat troops to the extent of even 5,000.

I have already set forth my reasons for so stating in my affidavit, but in pursuance of the very strong desire and fixed policy of the commanding general, General MINAMI, the troops of the Kwantung Army were disbursed in the north and central parts of Manchuria, and in the light of the existing circumstances at that time, a numerical strength of 5,000, which would be approximately half a division, was a difficult thing to concentrate quickly in one spot. That is what I have set forth in my affidavit.

Q But not impossible, however, was it?

A Not impossible if a commanding general made a very decisive decision and took unreasonable measures to try to bring about such a concentration. Furthermore, the commanding general of the Kwantung Army could not have done it unless he abandoned the policy which he had set forth as the commanding general.

Q Who was in command of the North China garrison during the year 1935?

A I think it was Lieutenant General UMEZU, Yoshijiro. Towards about the end of the year I think there was a change from General UMEZU to General TADA.

Q Prior to the time of the Ho-UMEZU agreement

1 you don't know what representations he made to the
2 Chinese authorities then, I take it?

3 MR. BROOKS: I ask the prosecutor to clarify
4 who "he" is. He has talked about two or three men,
5 and it could lead to confusion.

6 MR. WOOLWORTH: I was speaking of General
7 UMEZU.

8 A Yes, you may so understand, because I don't
9 know.

10 Q You have stated that General MINAMI
11 gave certain instructions to his men and officers,
12 particularly in respect to assistance to independent
13 Manchukuo?

14 A Yes.

15 Q And you are familiar with the fact, and I
16 believe you so stated, that General MINAMI was against
17 expansion in China?

18 A I couldn't quite get the meaning of that last
19 point regarding expansion in China.

20 THE INTERPRETER: Japanese court reporter.

21 (Whereupon, the Japanese court
22 reporter read.)

23 I can't quite get the meaning with regard to
24 the matter of non-expansion in China.

25 Q I mean by that he was against going beyond the

1 Great "wall and gaining further territory in China. I
believe you so testified.

2 A Yes.

3 Q You are familiar with General MINAMI's career
4 from that time when he left command of the Kwantung
5 Army and became Governor-General of Korea?

6 A Yes, only in bare outline. I cannot speak
7 with any confidence, however. My reason for so stat-
8 ing is that after General MINAMI left his post as com-
9 manding general of the Kwantung Army and I was trans-
10 ferred as staff officer of the Kwantung Army to other
11 posts, General MINAMI and I lost contact, and the
12 various posts to which we were transferred had no rela-
13 tion one with the other, and therefore my knowledge of
14 General MINAMI's activities since that time have been
15 gained only through newspaper reports and such matters.
16 That is why I am unable to speak with any confidence
17 on his career.

18
19 MR. WOOLWORTH: In connection with the poli-
20 cies of General MINAMI regarding expansion, and so
21 forth, I desire to invite the Court's attention to ex-
22 hibit 2437.

23
24 No further cross-examination.

25 MR. BROOKS: May the witness be excused on
the usual terms?

1 ACTING PRESIDENT: He is excused on the usual
2 terms.

3 (Whereupon, the witness was excused.)

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1 ACTING PRESIDENT: He is excused on the usual
2 terms.

3 (Whereupon, the witness was excused.)

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1 MR. BROOKS: Now, in relation to exhibit
2 2206-A, of which the witness speaks in his affidavit,
3 I wish to move the Tribunal to strike from the record
4 or to ignore this document, as it is merely a file of
5 United States newspaper clippings sent to the Foreign
6 Ministry by the Japanese Consuls from the United States.

7 I wish this application to be considered for
8 the following reasons: Upon examination we find that
9 John Goette and other correspondents named therein
10 have testified and this document would be repetitious
11 as to the parts testified to by these witnesses, who
12 were subject to cross-examination thereon.

13 The witness, in Exhibit 3434, in paragraph 3,
14 has said that many of these rumors, and so forth, were
15 false. Therefore, the source may be hearsay, rumors,
16 or may even be based on propaganda, and we say it is
17 not the best evidence available, and has no probative
18 value. There is no certificate regarding truth and
19 authenticity as to the contents of the documents therein.
20 We submit that these newspaper cuttings from the United
21 States are of no more value than the unsupported state-
22 ment of the prosecution and is not evidence in itself;
23 that Japanese newspaper articles have been rejected in
24 most instances although they had more color for
25 admission for several reasons, as the Court well knows.

1 The prosecution wants to be heard at this
2 time, too, your Honor.

3 MR. WOOLWORTH: If the Tribunal please, the
4 exhibit 2206-A was admitted in evidence before this
5 Tribunal at page 15,769 of the record, without
6 objection on the part of the defense. My recollection
7 is that there have been numerous references by several
8 of the witnesses to these articles and it seems to me
9 untimely, this objection, and it would appear to set
10 an evil precedent to go back over the record and remove
11 evidence already admitted.

12 MR. BROOKS: We submit that this document was
13 admitted on the usual terms and therefore our objections
14 would be automatic, and the proper way to reach it is
15 by motion to strike, after proper investigation. That
16 is the meaning of "admitted on the usual terms," in our
17 submission -- that it means that it may be stricken
18 later, if found not to be proper. Will the Tribunal
19 take it under advisement?

20 I shall go on--

21 ACTING PRESIDENT: This document has already
22 been admitted in evidence and it will be considered for
23 whatever probative value it may have. Any criticism
24 of it should be made at the time of your summation.

25 The motion is denied.

1 The prosecution wants to be heard at this
2 time, too, your Honor.

3 MR. WOOLWORTH: If the Tribunal please, the
4 exhibit 2206-A was admitted in evidence before this
5 Tribunal at page 15,769 of the record, without
6 objection on the part of the defense. My recollection
7 is that there have been numerous references by several
8 of the witnesses to these articles and it seems to me
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10 an evil precedent to go back over the record and remove
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13 admitted on the usual terms and therefore our objections
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15 by motion to strike, after proper investigation. That
16 is the meaning of "admitted on the usual terms," in our
17 submission -- that it means that it may be striken
18 later, if found not to be proper. Will the Tribunal
19 take it under advisement?

20 I shall go on--

21 ACTING PRESIDENT: This document has already
22 been admitted in evidence and it will be considered for
23 whatever probative value it may have. Any criticism
24 of it should be made at the time of your summation.

25 The motion is denied.

1 MR. BROOKS: I do not wish to reopen that
2 question, your Honor, but I would like to have an
3 understanding from the Tribunal, if they feel free
4 to give it to us, of what is meant, then, by the
5 statement "admitted on the usual terms," because I
6 thought we had that very clear on the record.

7 We will go to 28, Language Section.

8 At this time I present for identification
9 the Year Book of Japanese Diplomacy, 1943 Edition.

10 I now offer in evidence defense document 1785,
11 an excerpt from the aforesaid Year Book. This excerpt
12 presents very concisely various facts concerning the
13 international relations of Manchukuo prior to 1941
14 that affected MINAMI's action and were taken into
15 consideration by him. This evidence is offered to
16 substantiate MINAMI's testimony as to his bona fides
17 in acting as ambassador to Manchukuo (court record
18 pages 19,791 - 19,792.) Before his appointment as
19 ambassador in December 1934, the independence of Man-
20 chukuo was an established fact. During his tenure of
21 office and subsequent thereto a great increase was made
22 in the number of foreign countries which recognized
23 that state either de jure or de facto.

24 This evidence was part of the basis for MINAMI's
25 honest and sincere belief that it was proper to accept

1 this duty, entrusted by the Japanese Government, to
2 assist as an ambassador in the enhancement of Manchukuo's
3 status in the family of nations. It is submitted,
4 therefore, that the document is more material and
5 relevant to MINAMI's individual case than to the
6 general phase.

7 I wish only to read the exhibit from the
8 fifth line of page 2, commencing with the words "Of
9 the countries other than Japan" to the end.

10 MR. WOOLWORTH: If the Tribunal please,
11 document 1785 is not an official document, has no
12 standing as such, it was published in 1943 -- long
13 after the period under consideration, it is nothing but
14 propaganda in its rawest form. The prosecution objects
15 to the introduction of this offensive document. If
16 admissible at all, this document might possibly have
17 had a place in the general phase.

18 MR. BROOKS: I think that in my foreword--

19 MR. WOOLWORTH: If the Tribunal please, the
20 rule is, as I understand it, one argument.

21 MR. BROOKS: I haven't argued any yet, but I
22 was going to say that in my foreword to it I think I
23 have covered sufficiently the reasons for it, and now
24 leave it to the judgment of the Tribunal; and I might
25 further add that I think that the matters I intended

1 to read are of such a nature that this Court might even
2 take judicial knowledge of the fact that these countries
3 were represented, as set out therein.

4 ACTING PRESIDENT: I may say, as to your
5 introduction, that the Court feels it is unnecessarily
6 long.

7 As to the objection, the objection is sustained
8 by a majority vote.

9 MR. BROOKS: I hope the Court does consider
10 that I did not make an opening statement and there have
11 only been about two instances when I have felt it
12 necessary to explain the necessity for a document.

13 Now the defense would like to call ONO,
14 Rokuichiro as the next witness.

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ONO

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1 ROKUICHIRO ONO, called as a witness on
2 behalf of the defense, being first duly sworn,
3 testified through Japanese interpreters as
4 follows:

DIRECT EXAMINATION

BY MR. BROOKS:

Q State your name and address.

A My name is ONO, Rokuichiro. My present
address, No. 2831 Kichijoji.

MR. BROOKS: May defense document 1758 (revised)
be shown to the witness?

(hereupon, a document was handed
to the witness.)

Q Is that your affidavit?

A Yes.

Q Are the contents thereof true and correct?

A Yes.

I offer in evidence defense document 1758.

ACTING PRESIDENT: Admitted on the usual terms.

CLERK OF THE COURT: Defense document 1758

will receive exhibit No. 3435.

(hereupon, the document above referred
to was marked defense exhibit No. 3435 and
received in evidence.)

MR. BROOKS: I shall read exhibit 3435 from

1 paragraph 2:

2 "2. On August 5, 1946, I was appointed to the
3 post of Director-General for Political Affairs of the
4 Government-General of Korea which I held until May 29,
5 1942. During my tenure of office, the Governor-General
6 of Korea was MINAMI, Jiro.

7 "3. The Governor-General of Korea was merely
8 a civilian and was not entitled to deal with military
9 affairs. Military affairs in Korea were within the
10 competence of the Commander of the Korean Army who was
11 directly under the control of the Emperor and did not
12 come under the jurisdiction of the Governor-General.

13 "4. Matters relating to prisoners of war was
14 under the jurisdiction of the Army, so while MINAMI
15 and I were in office, the Government-General never
16 concerned itself with such matters. According to
17 exhibit No. 1973 (dated March 1st, 1942), there are words
18 to the effect that the Government-General and the Army
19 were both strongly desirous of interning prisoners of
20 war in Korea, but there was no such case on the part
21 of the Government-General. As a matter of fact, all I
22 remember is that the Korean Army requested us to find
23 some accommodation for prisoners of war, if they were
24 brought to Korea. The Government-General had no con-
25 cern with the purpose why prisoners of war would be

ONO

DIRECT

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1 brought to Korea. Soon after, in May 1942, MINAMI
2 and I resigned and both returned to Tokyo. Hence, I
3 do not know whether prisoners of war were interned in
Korea or how was the condition of their treatment."

You may cross-examine.

MR. WOOLWORTH: No cross-examination.

6 MR. BROOKS: May the witness be released on the
7 usual terms?

8 ACTING PRESIDENT: He will be released
9 accordingly.

(Whereupon, the witness was excused.)

12 MR. BROOKS: There will be no cross-examination
13 by the prosecution of the next witness so I will not
14 call MITARI, Tatsuo but offer his affidavit in
15 evidence, defense document 2013.

ACTING PRESIDENT: Admitted on the usual terms.

CLERK OF THE COURT: Defense document 2013
will receive exhibit no. 3436.

20 (Whereupon, the document above re-
21 ferred to was marked defense exhibit No. 343
22 and received in evidence.)

23 MR. BROOKS: I shall read exhibit 3436 from
24 paragraph 1:

25 "I, MIT. R.I, Tatsuo, being duly sworn in

1 accordance with the procedure followed in our country,
2 do hereby depose and say as follows:

3 "1. I was born in Oita prefecture in 1894.
4 My present address is at Shiota, Tokai-mura, Isumi-
5 Gun, Chiba prefecture. Since 1917 I have been connected
6 with various newspapers, specially as critic of Japanese
7 political circles. As I came from the same prefecture
8 as MINAMI, Jiro, I have known him intimately for 20
9 years. I was called into constant consultation with
10 him in early March, 1945, when he was asked to assume
11 the presidency of the Political Society of Great Japan
12 (usually called the Japan Political Society). After
13 his appointment as president, I became his secretary
14 and took part in important affairs of the Society.

15 "2. The creation of the Japan Political
16 Society was first of all promoted by a committee of
17 influential citizens at that time, such as KANEMITSU,
18 Tsuneyo, YAMAZAKI, Tetsunosuke, OMA, Tadao, GODO, Taku
19 and others, who pressed upon MINAMI and myself the
20 urgent need of such creation to the following effect:
21

22 "Although the Imperial Rule Assistance
23 Association (I.R.A.A.) made its appearance advocating
24 a new political structure of national unity, its
25 character had been so frequently changed that after all
it became a mere auxiliary administrative organ of the

1 government. The Imperial Rule Assistance Political
2 Association (I.R.A.P.A.), on the other hand, mainly
3 consisting of members of both Houses, was crippled as
4 a political party, because it ignored the means and
5 method of being in touch with the general public. Such
6 a situation, coupled with the unfavorable aspects of the
7 war, brought forth severe discontent and grave mis-
8 givings among citizens as well as political circles.
9 Hence, our immediate attention had to be given to the
10 creation of a political party which would truly act for
11 the people and be managed by the people.'

12 "As a matter of fact, this was the line of
13 policy which governed the activites of the Japan
14 Political Society after MINAMI accepted the presidency:

15 "3. The distinct features of the Japan
16 Political Society, as different from I.R.A.P. or
17 I.R.A.P.A. may be summarized as follows:

18 "(a) Either at the time of or after its
19 creation, the Society had no connection whatever with
20 the Government. As the Society did not cater to the
21 wishes of bureaucrats and militarists, it encountered
22 many obstacles and interferences from such quarters,
23 especially in the case of forming chapters in prefectures;

24 "(b) In accordance with policy above mentioned,
25 the Society put its main strength to the direct contact

1 with the people. Within 3 months after its birth,
2 chapters were established in 35 prefectures, members
3 whereof amounting to at least more than 500,000, al-
4 though definite figures cannot be given on account of
5 the destruction of records by air raids.

6 "(c) The Society never received a cent of
7 financial aid from the Government, all expenses being
8 defrayed by contributions of members. Furthermore,
9 contrary to the initial plan that the head office
10 should subsidize chapters, not only every one of them
11 dispensed with such proposition, but many, e.g., Ishikawa
12 and other prefectures, offered donations to the head
13 office.

14 "4. Under the circumstances above mentioned,
15 it may seem curious that a retired general should be
16 installed as president. However, the members of the
17 said committee who approached MINAMI with the offer of
18 presidency, thought that the purpose of creating the
19 Japan Political Society could be carried out only by
20 a person whose popularity and ability would enable him
21 to take an equal stand vis-a-vis the governmental and
22 military authorities, and MINAMI because of his past
23 record was thought to be the very man for such a post.
24 On the other hand, I knew very well his pet theory that
25 no military man should participate in politics. and also

1 the fact that he declined the recommendation to the
2 presidency of I.R.A.P.L. in the previous year when
3 General ABE, Nobuyuki, retired therefrom. In the case
4 of the Japanese Political Society, however, the said
5 committee took every possible means to persuade MINAMI,
6 notwithstanding repeated refusals on his part and of
7 those close to him, including myself, and finally
8 succeeded in obtaining his agreement on the strength
9 of the good offices of SUZUKI, Kantaro, who was then
10 President of the Privy Council and his most intimate
11 friend. Thus, he was nominated President of the Japan
12 Political Society at its inauguration on March 30th,
13 1945.

14 "Four months later, on August 9th, MINAMI met
15 the aforesaid SUZUKI, then Premier, and advised him to
16 accept the terms of the Potsdam Declaration. Henceforth,
17 MINAMI and Society strived hard to unite public opinion
18 and, upon the surrender of Japan, he resigned and the
19 society dissolved itself."

20 The defense would like to call MURATA,
21 Yachiho as the last witness.
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1 Y A C H I H O M U R A T A, called as a witness on
2 behalf of the defense, being first duly sworn,
3 testified through Japanese interpreters as
4 follows:

5 DIRECT EXAMINATION

6 BY MR. BROOKS:

7 Q State your name and address.

8 A My name is MURATA, Yachiho. My address:
9 No. 145 Kitzawa, 2-chome, Setagaya-ku, Tokyo.

10 MR. BROOKS: May defense document 1761 (revised)
11 be shown to the witness?

12 (Whereupon, a document was handed to
13 the witness.)

14 Q Is that your affidavit?

15 A Yes.

16 Q Are the contents thereof true and correct?

17 A Yes.

18 MR. BROOKS: I offer in evidence defense docu-
19 ment 1761.

20 ACTING PRESIDENT: Admitted on the usual terms.

21 CLERK OF THE COURT: Defense document 1761 will
22 receive exhibit No. 3437.

23 (Whereupon, the document above re-
24 ferred to was marked defense exhibit No. 3437
25 and received in evidence.)

MURATA

DIRECT

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MR. BROOKS: I shall read exhibit 3437 from paragraph 1:

"I, MURATA, Yachiho, is the Chief of Investigation Section of the Board of Decorations.

"2. Being shown the Record of Offices held by MINAMI, Jiro (a document brought by counsel KONDO and referred to as exhibit No. 117), I find at line 10, page 6 of its English version the following words:

'Feb. 9 -- appointed Councillor (Zitaikan) (Cabinet)'.

10 By comparing with the Japanese original, the correspond-
11 ing Japanese word in parenthesis should be 'Gijokan,'
12 meaning that kind of councillor of the Board of Decor-
13 ations, as explained below.

14 "3. The duty of a Gijokan is to confer and
15 agree upon the propriety with regard to investiture
16 or divestiture of orders of merit, decorations and
17 pensions in accordance with the Regulations concerning
18 the Council of Decorations (Imperial Ordinance No. 117
19 of Oct. 31st, 1893). Please refer to my other deposi-
20 tion (exhibit No. 3147, Court Record page 28,029).

"The council is conducted under the supervision of the President of the Board of Decorations, by circulating a writing among the Councillors whenever a case arises for investing or divesting orders of merit, decorations and pensions. It is, therefore, outside

MURATA

DIRECT

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1 the scope of their duty to participate in political or
2 military affairs, and in fact they have nothing what-
3 soever to do with such affairs.

4 "4. This kind of councillor is appointed by
5 the Emperor, but entirely different from Naikau-Sangi
6 and Naikaku-Komen, the words which are usually trans-
7 lated in English as 'Cabinet Councillor'.

8 "Being shown a document referred to as IPS
9 document No. 0001 (brought by Counsel KONDO), I find
10 at page 21 the following words: 'On 9 February MINAMI
11 became a Cabinet Councillor,' and at page 331 the
12 following words: '(also Cabinet Councillor) (9 Feb.
13 1933-- 10 Dec. 1934)'. It seems to me that such
14 statements are mistaken, in view of the record of my
15 Board, which registers the fact that MINAMI served as
16 a Gijokan from February 9th, 1934, to the beginning
17 of 1936.

18 "5. The said IPS document No. 0001, at
19 page 331, describes MINAMI as having been 'decorated'
20 on April 29th, 1940, for services in China Affairs.
21 According to the record of my Board, no decoration was
22 awarded to him on that date, except a pair of silver
23 cups (small ones for sake)."

25 You may cross-examine.

MR. WOOLWORTH: No cross-examination.

1 MR. BROOKS: May the witness be released on
2 the usual terms?

3 ACTING PRESIDENT: He is excused accordingly.

4 (Whereupon, the witness was excused.)

5
6 MR. BROOKS: This will conclude the presenta-
7 tion of evidence for MINAMI for the time being. I
8 understand that the matters taken on commission the other
9 day will not be ready until tomorrow or later.

10 The next counsel will proceed.

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1 ACTING PRESIDENT: Mr. Cole.

2 MR. COLE: May it please the Tribunal, I
3 should like to outline briefly the evidence which will
4 be offered in the personal defense of the accused
5 MUTO, Akira.

6 In this outline I will treat the evidence
7 offered by the prosecution, to the contradiction and
8 disproof of which our own evidence will be directed,
9 in four general periods--

10 ACTING PRESIDENT: Is this your opening
11 statement?

12 MR. COLE: Yes, sir.

13 ACTING PRESIDENT: Wait until we get it dis-
14 tributed.

15 (Whereupon, the document was distributed.)

16 MR. COLE: May I proceed now, sir?

17 ACTING PRESIDENT: You may proceed.

18 MR. COLE: May it please the Tribunal, I
19 should like to outline briefly the evidence which will
20 be offered in the personal defense of the accused
21 MUTO, Akira.

22 In this outline I will treat the evidence
23 offered by the prosecution, to the contradiction and
24 disproof of which our own evidence will be directed,
25 in four general periods: (1) The accused's position

1 and activity during the China Incident; (2) His tenure
2 as Chief of the Military Affairs Bureau, toward which
3 most of the prosecution's evidence was directed; (3)
4 The period of time, covering the largest part of the
5 war, in which he was a Division Commander in Sumatra;
6 and (4) His service as Chief of Staff to General
YAMASHITA in the Philippines.

7 May I say at the outset that the accused MUTO
8 will take the stand in his own behalf, in a statement
9 which fully covers and denies such evidence as had
10 been offered against him.

11 As to the accused's activities and authority
12 during the whole period of the Manchurian and China
13 Incidents, evidence already in the record, to which
14 the Tribunal's attention is respectfully directed,
15 discloses that he held minor positions, he having been
16 an officer of the line-of-communications section of the
17 General Staff and later a section chief therein. The
18 only testimony to be offered regarding this period,
19 aside from the accused's own full comment, will be an
20 affidavit by British Major-General Piggott, who speaks
21 of MUTO as strictly a military man, and praises his
22 efforts in the settling of a difficult problem. Fur-
23 ther evidence, already in the record, shows that at
24 the time of the Nanking Incident he was merely a

1 Vice-Chief of Staff, completely without command responsibility.

2 In the testimony to be offered relative to
3 the accused's tenure as Chief of the Military Affairs
4 Bureau we put the greatest emphasis. As to this
5 period the prosecution has relied most heavily upon
6 the testimony of TANAKA, Ryukichi, who testified that
7 General MUTO exercised tremendous power as head of
8 that bureau. However, we propose to show that that
9 statement is untrue; that the chiefs of all bureaus
10 were equal in power and authority, and that this ac-
11 cused was on the same basis as all other such chiefs.

12 TANAKA also testified that the Military Af-
13 fairs Bureau had a strong policy for concluding the
14 Tri-Partite Pact between Japan, Italy and Germany from
15 the time of the ABE Cabinet. We propose to prove that
16 this is untrue by a witness who at that time was chief
17 of a section in the Military Affairs Bureau. Further
18 statements by TANAKA asserted that this accused, at a
19 meeting of Bureau Chiefs before the outbreak of war,
20 read a draft entitled, "Principal reasons alleged for
21 the commencement of hostilities against the United
22 States of America and Britain", that he expressed also
23 his personal opinions, and that he said that the des-
24 patch of Ambassador KURUSU and the Tatsuta-Maru was

1 nothing more than camouflage. We will offer testimony
2 to show that these statements are utterly false; and will
3 offer a witness who was present at the meeting in ques-
4 tion.

5 General MUTO will be shown to have had no
6 right whatsoever to decide important policy matters;
7 that he did not decide such matters; and that he acted
8 only as a staff member of the War Minister, carrying
9 out the duties which were assigned to him. In this
10 respect we will offer the affidavit of Colonel
11 NISHIURA who served in the Military Affairs Bureau
12 for a long period, and was an authority on the func-
13 tions and operation of that bureau, as well as being
14 well acquainted with the activities of this accused.

15 We respectfully call the Tribunal's attention
16 particularly to the evidence we offer with regard to
17 General MUTO's constant and whole-hearted efforts to-
18 ward a happy conclusion of the negotiations between the
19 United States and Japan. Those efforts were unceasing,
20 and so ardent that he was at one time in danger of being
21 assassinated by those vicious factions which opposed the
22 negotiations. Even TANAKA, Ryukichi, could not deny
23 that during this period the accused MUTO was given a
24 special guard of military police. We propose to show
25 that there was no improper motive on the part of the

accused in his attempt to get from the Navy a declaration of an anti-war attitude on their part immediately prior to the resignation of the Third KONOYE Cabinet. Far from being an improper motive it was exactly the opposite; an attempt to get the backing needed by the War Ministry to combat the attitude of the General Staff. In this regard we will offer considerable testimony to clarify General MUTO's hopes and labors for a complete avoidance of war, including the affidavit of Bishop James Edward Walsh of Maryknoll, who himself took an active and ardent part in the efforts to bring about a successful solution of the difficulties between the United States and Japan.

Nevertheless, in spite of the sincere efforts of many persons, including this accused, for an avoidance of war, war came. The prosecution appears to contend that if the accused MUTO were really opposed to war he could have and should have resigned; and that his remaining in the post with the Military Affairs Bureau is sufficient evidence of his agreement to opening the war. This, we contend, is a position which no professional military man in any country could appreciate, and resignation was peculiarly and traditionally impossible in the Japanese army. We propose to show that resignation was virtually impossible,

1 except in circumstances of incapacity. Further, as
2 has already been shown in the testimony of NOLA, Kengo,
3 former chief of the Personnel Bureau of the War Min-
4 istry, and will be further clarified, General MUTO
5 tried to obtain a transfer from the Military Affairs
6 Bureau in the fall of 1941.

7 It is our contention that all the above mat-
8 ters constitute most illuminating proof of his sin-
9 cerity regarding the American-Japanese negotiations
10 which were then fast deteriorating. However, he was
11 not released from that post until a short time after war
12 broke out. Matters regarding resignation or transfer
13 will be clarified by a witness who was a member of the
14 Personnel Bureau of the War Ministry during the war
15 and now is chief of the Personnel Section of the First
16 Demobilization Bureau.

17 In a most important period, almost immediately
18 after the outbreak of war, the accused MUTO was or-
19 dered to make an inspection trip in the south. On
20 returning from this trip he was immediately advised of
21 his transfer to Sumatra as Commander of the Imperial
22 Guard Division. He thereupon started immediate pre-
23 parations for the change, without having time to deal
24 further with matters in the Military Affairs Bureau.

25 The Imperial Guard Division which he commanded in

1 Sumatra will be shown to have been the most exemplary
2 and well-disciplined in the Japanese Army, and no
3 trouble took place during his term as division com-
4 mander. The administration of prisoners of war and
5 civilian internees was outside the scope of his juris-
6 diction, as will be conclusively shown; nor did he ever
7 employ the labor of such persons. This will be made
8 abundantly clear through the testimony of the witness
9 OHIRA, who was General MUTO's chief of staff in Sumatra.

10 Immediately after the American attack on the
11 Philippine island of Leyte, this accused went to the
12 Philippines as chief of staff to General YAMASHITA.
13 This was in October 1944 and was his last military
14 assignment. The Army General Staff and the Southern
15 General Army decided to counter-attack the American
16 forces on Leyte at all costs. This change of plans
17 brought extreme difficulties to YAMASHITA in his pro-
18 posed defense of Luzon. Consequently, after having
19 been required to despatch large parts of his personnel
20 and material to Leyte, he was faced with the necessity
21 of opposing the triumphant and overwhelmingly superior
22 American forces on Luzon. General MUTO took every
23 possible step to assist YAMASHITA in the prevention of
24 improper incidents. The efforts then taken in this
25 direction are well illustrated by the decision on the

part of the Japanese army to quit the City of Manila,
1 which decision was made when it became clearly impos-
2 sible to make it an open city, as the result of care-
3 ful study. However, the American forces, far superior
4 in equipment, transport and fire-power, proceeded with
5 amazing speed, and cut the Japanese forces into small
6 segments. The Japanese forces were thus almost com-
7 pletely isolated from each other, and the command organ-
8 ization of YAMASHITA was destroyed. Proper command
9 became literally impossible.
10

11 The alleged atrocities were committed without
12 the slightest knowledge or approval of either YAMASHITA
13 or this accused by troops which were outside YAMASHITA's
14 power to command. MUTO was not in a position to suppress
15 them, although he did all that could be done. This
16 point has already been testified to by KOBAYASHI, Shu-
17 jiro, and other witnesses in the general phases. We
18 will offer in support of our contention another wit-
19 ness who was a member of the Japanese staff in the
20 Philippines. Moreover, testimony as to the chaotic
21 and impossible conditions at that time will be shown
22 from the Biennial Report of General Marshall. This
23 report shows conclusively that the accused MUTO could
24 not possibly have prevented the events in Manila.
25

We will present a few documents to clarify

1 points which are in dispute, particularly with regard
2 to the matter of resignation and transfer of Japanese
3 army officers. Lastly, the accused himself will
4 take the stand and cover fully the matters charged
5 against him.

6 Language Section, this next item is not
7 included in your material.

8 I should like to make a further brief state-
9 ment. Due to a misunderstanding within my own office,
10 and a consequent oversight, a certificate of non-
11 availability regarding certain documents referred to
12 in our general evidence was not prepared for timely
13 service. It has been prepared, however, and is now
14 in process of stenciling and distribution as defense
15 document 2860. Other such certificates have been
16 placed at the end of our order of proof.

17 I respectfully request the permission of the
18 Tribunal to add the certificate in question at the
19 end of our order of proof rather than placing it after
20 the reading of the first affidavit to which it has
21 reference.

22 I am prepared at this time to list the docu-
23 ments which this certificate covers. However, it might
24 be more practicable merely to refer to it at the time
25 of reading the affidavit to which it applies.

1 I understand, if the Tribunal please, that
2 there is no objection to this procedure from the prose-
3 cution.

4 ACTING PRESIDENT: Under those circumstances,
5 you may proceed as requested.

6 MR. COLE: Thank you, sir.

7 ACTING PRESIDENT: I think at this time we
8 will recess for fifteen minutes.

9 (Whereupon, at 1045, a recess was
10 taken until 1100, after which the proceed-
11 ings were resumed as follows:)

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1 MARSHAL OF THE COURT: The International
2 Military Tribunal for the Far East is now resumed.

3 ACTING PRESIDENT: Mr. Cole.

4 MR. COLE: I offer in evidence the sworn
5 deposition of Major General Piggott, defense document
6 No. 2533. Aside from the full statement of the ac-
7 cused, this is the only evidence to be offered re-
8 garding General MUTO's period in China. It describes
9 his efforts in settling difficulties in Shanghai and
10 Tientsin, from the personal observation of General
11 Piggott.

12 May I add, sir, that I agree to have the
13 last sentence of the affidavit stricken as being
14 character evidence.

15 MR. LOPEZ: If the Tribunal please --

16 ACTING PRESIDENT: Mr. Lopez.

17 MR. LOPEZ: The last clause of the last
18 sentence of the second paragraph, beginning with the
19 words, ". . . and was instrumental," is objected to
20 as being a conclusion of the witness. Likewise, the
21 last clause of the last sentence of the third para-
22 graph having reference to the London Times, beginning
23 with the words, ". . . and an account," is objected to
24 as offending the rule of the Court that if reference is
25 made to a document that the document itself be attached

to the affidavit.

1 ACTING PRESIDENT: Is that not the sentence
2 that the defense has agreed be withdrawn?

3 MR. LOPEZ: It is -- the sentence withdrawn
4 by the defense, your Honor, refers to the last
5 sentence; the last paragraph, too.

6 MR. COLE: As to the first objection,
7 your Honor, pertaining to the last half of the last
8 sentence in paragraph two, it is true that General
9 Piggott might very well have detailed at great length
10 those particular things which were done by General
11 MUTO.

12 ACTING PRESIDENT: By a majority vote the
13 objection is overruled.

14 CLERK OF THE COURT: Defense document
15 2533 will receive exhibit No. 3438.

16 (Whereupon, the document above
17 referred to was marked defense exhibit
18 No. 3438 and received in evidence.)

19 MR. COLE: I will read exhibit 3438, omitting
20 the last sentence.

21 "I, Major General Francis Steward Gilderoy
22 Piggott, C. B., D. S. O., Colonel Commandant, Royal
23 Engineers, of Rye, Ewhurst, in the County of
24 Surrey, England, having been first duly sworn, make

oath and say:

1 "I first met General MUTO (Akira) in Shanghai
2 in 1938, where I had been sent from Tokyo at the
3 request of the British Ambassador to China and with
4 the concurrence of the British and Japanese Govern-
5 ments, to settle certain questions which had arisen
6 to the prejudice of good relations between the
7 British and Japanese authorities in Shanghai. He was
8 then serving on the staff of General HATA, the
9 Commander-in-Chief, and was instrumental, under
10 General HATA's orders, in effecting a noticeable
11 improvement in Anglo-Japanese relations in that area.

13 "Later, in the summer of 1939, he was head
14 of the Japanese Army Delegation from North China,
15 which came to Tokyo to take part in the conference
16 assembled to discuss, and settle if possible, the
17 Tientsin crisis. Although the military authorities
18 had been overruled as regards the site of the con-
19 ference -- they wished it to be held in Tientsin,
20 but the Prime Minister (Baron HIRANUMA) had insisted
21 on Tokyo -- they accepted the situation and did their
22 best to make the conference a success. General MUTO
23 frequently explained to me the army's point of view,
24 namely, that their business was with the security of
25 their troops, and that the economic questions at the

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2 hai in 1938, where I had been sent from Tokyo at the
3 request of the British Ambassador to China and with
4 the concurrence of the British and Japanese Govern-
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7 British and Japanese authorities in Shanghai. He was
8 then serving on the staff of General HATA, the
9 Commander-in-Chief, and was instrumental, under
10 General HATA's orders, in effecting a noticeable
11 improvement in Anglo-Japanese relations in that area.

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17 Tientsin crisis. Although the military authorities
18 had been overruled as regards the site of the con-
19 ference -- they wished it to be held in Tientsin,
20 but the Prime Minister (Baron HIRANUMA) had insisted
21 on Tokyo -- they accepted the situation and did their
22 best to make the conference a success. General MUTO
23 frequently explained to me the army's point of view,
24 namely, that their business was with the security of
25 their troops, and that the economic questions at the

1 conference concerned this security; he was anxious
2 to get back to his military duties as soon as possible,
3 and for this reason desired to see a speedy and suc-
4 cessful outcome. I reported his attitude to the
5 British Ambassador, and an account of my farewell in-
6 terview with General MUTO, in which he expressed his
7 'good wishes for the success of the conference,'
8 appeared in the London Times about August 14, 1939."

9 The prosecution has offered a considerable
10 amount of evidence in regard to the Military Affairs
11 Bureau and the accused's duties and powers therein.
12 As was pointed out in our motion to dismiss, a great
13 part of this evidence was garbled and confused, and
14 we therefore propose to offer at this point testimony
15 which will render clear and complete the work of the
16 Military Affairs Bureau and its relationship to
17 Imperial General Headquarters.

18 I call the witness, NISHIURA, Susumu.
19 - - -
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NISHIURA

DIRECT

32,944

SUSUMU NISHIURA, recalled as a witness
1 on behalf of the defense, having been previously
2 sworn, testified through Japanese interpreters
3 as follows:

DIRECT EXAMINATION

BY MR. COLE:

Q Mr. Witness, will you state your name and
7 address?

A My name is NISHIURA, Susumu; my address,
10 560, Ome, Ome-cho, Nishitama-gun, Tokyo.

MR. COLE: I ask that the witness be shown
11 defense document 2678.

13 (Whereupon, a document was handed
14 to the witness.)

15 Q Mr. Witness, is that your affidavit signed
16 and sworn to by you?

A Yes.

Q And are all the matters stated therein true
19 and correct, to the best of your knowledge and belief?

A Yes.

MR. COLE: If the Court please, I offer in
evidence defense document 2678.

ACTING PRESIDENT: Mr. Lopez.

MR. LOPEZ: If the Tribunal please, objection
25 to the admission of this affidavit on the ground that

NISHIURA

DIRECT

32,944

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13 (Whereupon, a document was handed
14 to the witness.)

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16 and sworn to by you?

17 A Yes.

18 Q And are all the matters stated therein true
19 and correct, to the best of your knowledge and belief?

20 A Yes.

21 MR. COLE: If the Court please, I offer in
22 evidence defense document 2678.

23 ACTING PRESIDENT: Mr. Lopez.

24 MR. LOPEZ: If the Tribunal please, objection
25 to the admission of this affidavit on the ground that

NISHIURA

DIRECT

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1 the best evidence on the duties, authority, and
2 functions of the Director of the Military Affairs
3 Bureau are the laws and regulations themselves. In
4 the whole affidavit there is not one single reference
5 made, specifically made to the defendant MUTO, but
6 only to the office of the Military Affairs Bureau of
7 the War Ministry. The defendant KOISO, like MUTO,
8 also held the office of Chief of the Military Affairs
9 Bureau. Hence we urge that this evidence should have
10 been presented in the general phase.

11 ACTING PRESIDENT: Mr. Cole.

12 MR. COLE: If the Tribunal please, as to
13 the fact, or the statement rather that this affidavit
14 does not include the best evidence, that is a position
15 certainly contrary and opposite to the position which
16 the prosecution took in discussing the same matter.
17 The prosecution presented a good deal of evidence
18 by live witnesses as to the operations of the Military
19 Affairs Bureau. That testimony left the real func-
20 tions, the real operation of the Military Affairs
21 Bureau in a confused state. We propose by the use of
22 this affidavit to clear up that confusion.

23 As for the objection that there is no
24 reference to the accused MUTO, we contend that that
25 does not invalidate the affidavit. Our only point in

NISHIURA

DIRECT

32,946

this affidavit is to render more clear the actual operation rather than the strict rules and regulations of the Military Affairs Bureau.

ACTING PRESIDENT: By a majority the objection is overruled and the affidavit admitted.

CLERK OF THE COURT: Defense document 2678
will receive exhibit No. 3439.

(Whereupon, the document above referred to was marked defense exhibit No. 3439 and received in evidence.)

NISHIURA

DIRECT

32,946

this affidavit is to render more clear the actual operation rather than the strict rules and regulations of the Military Affairs Bureau.

ACTING PRESIDENT: By a majority the objection is overruled and the affidavit admitted.

CLERK OF THE COURT: Defense document 2678
will receive exhibit No. 3439.

9 (Whereupon, the document above
10 referred to was marked defense exhibit
11 No. 3439 and received in evidence.)

NISHIURA

LIRECT

32,947

MR. COLE: I will read exhibit 3439, omitting the introduction.

"I was a colonel at the termination of the war; I was graduated from the Military College in 1930, was in the service of the Military Administration Section of the Military Affairs Bureau of the War Ministry almost continuously, except for about three years, from October, 1931, immediately after the outbreak of the Manchurian Incident, to December, 1944, shortly before the termination of the Pacific War and worked as the Officer-in-Charge of Estimate and Organization Affairs, Senior Section Adjutant and chief of the section. While I was in the service I was engaged in the study of revisions of the War Ministry organization. Thus I am one of those most conversant with the system and organization of the army, and in the practical operational aspects of the War Ministry organization.

"The duties and authorized limits of authority of the Military Affairs Bureau and its director will be described. During my tenure, no director ever deviated from the authorized limits of that position.

"I. The duties and authority of the Director
of the Military Affairs Bureau. - - -

"The main subdivisions of the Military Affairs

NISHIURA

LIRECT

32,947

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"I. The duties and authority of the Director of the Military Affairs Bureau. - - -

"The main subdivisions of the Military Affairs

NISHIURA

DIRECT

32,948

1 Bureau were the Military Administration Section and the
2 Military Affairs Section. In addition, there was
3 the Press Section of the War Ministry. Originally
4 there were six bureaus in the War Ministry: Personnel
5 Affairs, Military Affairs, Ordnance, Intendance, Medical
6 Affairs, and Judicial Affairs. In 1926 the Equipment
7 Bureau was established, and it took care of personnel
8 and material mobilization.

9 "In 1936 the Military Service Bureau was
10 established and made a separate bureau. Only the busi-
11 ness formerly handled by the Military Administration
12 Section remained under the charge of the Military Affairs
13 Bureau, and was divided into the Military Administration
14 Section and the Military Affairs Section; the other
15 matters were transferred to the Military Service Bureau.
16 Such matters included morale and discipline, M.P.
17 duties, anti-aircraft defense, counter-espionage,
18 military drill, etc. These matters were entirely apart
19 from the Military Affairs Bureau from that time on.
20

21 "In 1937 also the Intelligence Division of
22 the War Ministry became one body with the Information
23 Section of the Imperial Headquarters and was there-
24 after under the Supreme Command. Further, as the
25 Bureau of Intelligence of the cabinet was strengthened,
it took over most of the remaining matters that had

NISHIURA

DIRECT

32,949

1 formerly been announced by the War Ministry; thus the
2 information matters announced through the War Ministry
3 became very few.

4 "Through these changes the scope of activities
5 of the Military Affairs Bureau became smaller and
6 smaller. Prior to this time it had been customary to
7 ask the opinion of the Director of the Military Affairs
8 Bureau on some personnel matters, but after TOJO became
9 War Minister this practice was discontinued, and per-
10 sonnel matters were conducted without participation
11 of the Military Affairs Bureau Director.

12 "Under the general rule of the Imperial Ordin-
13 ance relating to general rules concerning the organi-
14 zation of the ministries, Article 18, the Director
15 of the Military Affairs Bureau was the same in authority
16 as all other directors of bureaus. Such directors
17 were not authorized generally to decide principal mat-
18 ters on their own opinion exclusively, but rather their
19 duty was to administer under the direction of the
20 minister; and all were in equal conditions, with equal
21 responsibility. It is completely wrong to say that
22 the Director of the Military Affairs Bureau had any
23 special authority as compared to other directors.

24 "Next I shall make an explanation of the word
25 'rentai,' a word especially used in the system of the

NISHIURA

DIRECT

32,950

1 Japanese Army. The verb 'rentai-suru' or 'to give
2 rentai' means only approving a decision by a competent
3 bureau by affixing one's seal on the understanding
4 that one has no objection as far as matters within
5 the jurisdiction of his bureau or section are concerned.
6 It does not mean that one who gave 'rentai' to a cer-
7 tain plan took so-called joint responsibility for all
8 the contents of the plan in question beyond his authority
9 as defined in the official organization.

10 "The War Minister and Vice-Minister asked
11 the opinion of each director on pertinent matters, and
12 no more importance was attached to the opinion of the
13 Director of the Military Affairs Bureau than to that
14 of other directors. It was not at all rare that the
15 opinion of that director was disregarded and the opi-
16 nions of other directors adopted. It was a rule of
17 the Japanese Army that, once a superior decided a mat-
18 ter, his subordinates must be absolutely obedient to
19 his decision. As to this point, there was an insistence
20 in this court that 'One, though he may be a soldier,
21 can and should demand release from office, if he dis-
22 agrees with the orders of his superior.' But this
23 was such a matter as could never be approved in the
24 system and organization of the former Japanese Army.

25 "II. Relation between the War Ministry,

1 Japanese Army. The verb 'rentai-suru' or 'to give
2 rentai' means only approving a decision by a competent
3 bureau by affixing one's seal on the understanding
4 that one has no objection as far as matters within
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22 agrees with the orders of his superior.' But this
23 was such a matter as could never be approved in the
24 system and organization of the former Japanese Army.

25 "II. Relation between the War Ministry,

NISHIURA

DIRECT

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1 especially the Military Affairs Bureau and the Army
2 General Staff Office. - - -
3 "The War Minister, Chief of the General Staff,
4 and Inspector-General of Education took over portions
5 of the central business upon themselves. Each bureau
6 of the War Ministry took over a share of the matters
7 which were under the supervision and control of the
8 War Minister. Thus the matters under any one bureau
9 were strictly limited, and in no case could extend
10 beyond the authority of the War Minister. For example,
11 although 'organization' was mentioned as one of the
12 functions of the Military Administration Section, it
13 did not mean that army organization could be decided by
14 that section alone. In reality, the right to draft
15 organization plans for the army originally belonged
16 to the General Staff, and the General Staff actually
17 had an office which took care of that matter. As a
18 matter of practice, the General Staff actually made
19 plans regarding organization, and merely asked for the
20 War Minister's counsel.

21 "Most matters mentioned as the responsibility
22 of the War Ministry arose from demands made by the
23 Chief of the General Staff, most of which naturally
24 arose from considerations of national defense. During
25 the course of the China Incident, and later during the

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1 Pacific War, these demands were varied and more numerous,
2 They included requests from the General Staff on the
3 War Minister, on current problems from the standpoint
4 of home affairs or foreign relations.

5 "Such requests were first received by the
6 Military Affairs Bureau and transmitted to the proper
7 bureau for consideration, and afterwards reply was made
8 by order of the War Minister. There were some matters
9 which did not go through the Military Affairs Bureau
10 at all.

11 "There were frequent disagreements between
12 the War Ministry and the General Staff, and often it
13 was necessary to repeat the consultations and negotia-
14 tions. Also, there were a large number of demands from
15 the General Staff which concerned ministries other
16 than the War Ministry; in these matters the War Ministry
17 negotiated with the ministries concerned. For example,
18 as for estimates, it negotiated with the Finance Ministry
19 through the Intendance Bureau; for materials, with the
20 Planning Board or the Munitions Ministry through the
21 Equipment Bureau; as for foreign affairs, with the
22 Foreign Ministry through the Military Affairs Bureau.

23 "The War Minister had a sort of double charac-
24 ter; as a minister of state he was compelled to an
25 awareness of political and diplomatic activity, and as

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20 Planning Board or the Munitions Ministry through the
21 Equipment Bureau; as for foreign affairs, with the
22 Foreign Ministry through the Military Affairs Bureau.

23 "The War Minister had a sort of double charac-
24 ter; as a minister of state he was compelled to an
25 awareness of political and diplomatic activity, and as

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1 an official highly concerned with army matters he had
2 also to be completely a soldier. But since the Chief
3 of the General Staff had the highest responsibility
4 as far as the army was concerned, it was his highest
5 duty to give consideration to winning victory in war
6 time. Thus there was often sharp conflict between the
7 Chief of the General Staff and the War Minister. It
8 was the duty of the Chief of the Military Affairs Bureau
9 to negotiate with the General Staff Office in such dis-
10 putes and also to represent the General Staff in dealing
11 with other agencies in some matters.

12 "It was a fact that many officers in the War
13 Ministry also held concurrent offices in connection
14 with the Imperial General Headquarters; for example,
15 the Directors of Ordnance, Intendance, and Medical Bu-
16 reaus. It was also decided that the War Minister, with
17 some of his subordinates, should participate in the
18 conferences of the Imperial General Headquarters as
19 occasion demanded. But in reality there was no change
20 in the true relationship between these two units. The
21 Directors of the Military Affairs Bureau and the
22 Personnel Affairs Bureau, who did not hold concurrent
23 posts with the Imperial General Headquarters, were
24 simply ordered to be 'attendants' of the War Minister
25 at the conferences. Most officials confined themselves

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1 to the work in their own offices in the War Ministry,
2 and attended conferences at Imperial General Head-
3 quarters only in urgent circumstances. Though the
4 Director of the Military Affairs Bureau, as well as
5 the Vice-Minister and Director of the Personnel Affairs
6 Bureau, were attendants' of the War Minister, he did
7 not participate in such conferences in any degree,
8 but merely made preliminary arrangements for the War
9 Minister and attended to detail work after such con-
10 ferences as the War Minister attended. With regard
11 to operation attendants such as the Director of the
12 Military Affairs Bureau were given only such information,
13 by staff officers of Imperial General Headquarters,
14 as applied to their own particular offices in the War
15 Ministry.
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"III. Matters under the Military Affairs

Bureau.

"Under the Military Administration Section were matters concerning the main lines of national defense. It had no power to decide main policies of national defense, but rather to harmonize and coordinate the matters handled by the various bureaus and sections. When consultation between the bureaus and sections involved resulted in disagreement, the Military Administration Section had no power to settle the dispute, but merely to arbitrate and give counsel. Matters of national defense and tactics were the exclusive concern of the Chiefs of the Army and Navy General Staffs; this was also true in other routine affairs. If plans involved appropriations and material, consultation was had with the War and Navy Ministers. In case of an agreed plan, each bureau went about its own particular business.

"One of the matters placed under the charge of the Military Affairs Section was 'matters concerning the national defense policy in general.' This might be understood to mean that that bureau had authority to make a final decision on matters of national defense policy, but the exact contrary is the case. As previously stated, each bureau t

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1 transacted its business in accordance with policies
2 fixed by the Chief of the General Staff and the War
3 Minister. This business often involved matters which
4 were originally under offices other than the War
5 Ministry, such as mobilization of material and
6 national health. If such matters were taken up
7 independently with the various bureaus concerned,
8 confusion would result, and it was thus necessary
9 to have some one office to co-ordinate all activities.
10 The above mentioned business of the Military Affairs
11 Section meant this co-ordinating function.

"The Military Administration Section had certain duties in connection with budget matters. It was the duty of the Paymaster's Section of the Intendance Bureau to collect data on the requirements of the various bureaus and sections in order to formulate an overall budget for the War Ministry, and thereafter to apportion such sums as had been allowed. The duty of the Military Administration Section in relation to the budget was this: to do its best to adjust the organization and application of budget business of other bureaus and sections to the requirements of national defense as set by the General Staff.

"Failure to handle the appropriation

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properly within the War Ministry often resulted in failure to meet the demands of the General Staff. The Military Administration Section, however, could never intentionally interrupt a plan of the General Staff, which was thoroughly familiar with the amount of appropriations and the outline of their distribution. In such case, the decisive power was in the War Minister, needless to say never in the Chief of the Military Affairs Bureau. To my knowledge, this was strictly true.

"IV. Regarding additional posts held by the Chief of the Military Affairs Bureau.

"The Chief of the Military Affairs Bureau automatically held other posts, ex officio. One such post was Chief Secretary of the Supreme War Council. His only duties were secretarial in nature: he notified the councillors of the date and place of meeting, distributed necessary papers before the meeting, and, since he had no voice in the discussions nor right to vote, his work was nothing more than keeping the minutes.

"Another such concurrent duty was to act as secretary of the joint Imperial GHQ Government Liaison Conferences. It was agreed that the Chiefs of the Military Affairs Bureau in the War and Navy

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1 Ministries and the Secretary of the Cabinet should
2 act as secretaries. The only duty of the secretaries
3 was to distribute the necessary papers before such
4 a conference and to deal with documents acted upon;
5 none of the three had any right to participate in
6 any way in the discussions of the conference. The
7 same situation existed in the case of conferences
8 before the Throne.

9 "The Chief of the Military Affairs Bureau
10 also held certain posts such as member of various
11 committees of the Cabinet, or other ministries,
12 but this was true of all Bureau Chiefs of all
13 ministries and was done for the purpose of bringing
14 all ministries into close co-ordination. Resolutions
15 of such committees were not binding in any way on
16 the ministry involved, and, as a matter of practice,
17 those named to the committees were rarely present,
18 being most often represented by a proxy.

19 "With regard to the Privy Council, there
20 was no direct connection with the Council and the
21 Military Affairs Bureau. When the War Minister him-
22 self was required to attend, the Chief of the Mili-
23 tary Affairs Bureau or one of his subordinates
24 attended for the sole purpose of explaining, if
25 called upon, specific and technical details of matters

1 within the scope of his bureau.

2 "With regard to attending some sessions of
3 the Diet, there were usually representatives from
4 all ministries concerned in matters to be discussed.
5 Not only the Parliamentary Vice-Minister and
6 Councillor, but also the Vice-Minister, Chief of
7 Military Affairs Bureau, Chief of the Account and
8 Supply Bureau and sometimes chiefs of other bureaus
9 were appointed 'commissioners' and charged with the
10 duty of explaining or answering questions about the
11 matters before the Diet. Such duties were in no
12 way 'policy-making.'"

13 You may cross-examine.

14 I made an error, if your Honor please.
15 Mr. Freeman has some further direct questions.

16 MR. FREEMAN: If the Tribunal please.

17 ACTING PRESIDENT: Mr. Freeman.

18 DIRECT EXAMINATION (Continued)

19 BY MR. FREEMAN:

20 Q Colonel, you state in your affidavit that
21 you were a member of the Administrative Section of
22 the Military Affairs Bureau continuously, with the
23 exception of three years, from October, 1931, to
24 December, 1944. Is that true?

25 A Yes.

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1 ACTING PRESIDENT: Before you go further,
2 Mr. Freeman, will you state on behalf of which
3 accused you are examining?

4 MR. FREEMAN: General SATO.

5 Q Colonel, General TANAKA, Ryukichi, testified,
6 record page 14,287, that protests received from the
7 Allied Powers by the Foreign Office relative to the
8 treatment of prisoners of war were routed directly
9 to the Military Affairs Bureau. Did your section
10 ever receive any such protests?

11 A No, such matters were not handled in my
12 section.

13 Q This same TANAKA also testified that the
14 Military Affairs Bureau prepared all replies to
15 such protests. Did you or your section ever pre-
16 pare a reply to any such protests?

17 A No.

18 Q This same TANAKA also testified, record
19 page 29,051, that there were some junior officers
20 within the Military Administration Section of the
21 Military Affairs Bureau who held extreme views
22 relative to the execution of the Doolittle fliers.
23 Do you recall any members of your section who
24 wished the execution of any or all of the Doolittle
25 fliers?

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A There were none.

1 Q When asked by the prosecution to name
2 subordinates within the War Ministry who favored
3 the execution of the Doolittle fliers, General
4 TANAKA named a Colonel OTSUKI of the Military
5 Administration Section of the Military Affairs
6 Bureau who, he said, came to him several times
7 urging severe punishment of the Doolittle fliers.

8 Was there any such colonel by the name of OTSUKI
9 in your section during the entire year of 1942?

10 A There was no officer by the name of OTSUKI
11 in my section during the year 1942. An officer by
12 the name of OTSUKI, Akira, at one time in the past
13 served in the Military Administration Section. How-
14 ever, just prior to the outbreak of the Pacific War
15 this person, OTSUKI, Akira, was transferred as a
16 staff officer to a post outside of Japan, and I do
17 not think he served at any time during the course
18 of the Pacific War in any post in Japan.

19 Q Do you know where he was transferred to?

20 A I think it was in Saigon.

21 Q Colonel, on page 3 of your affidavit, you
22 state that many officers in the War Ministry held
23 concurrent offices in connection with Imperial
24 General Headquarters. Specifically, you state that

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1 Directors of the Military Affairs Bureau and of the
2 Personnel Affairs Bureau attended the Imperial
3 Conferences only as attendants of the War Minister
4 and did not participate in such conferences to any
5 degree but to make preliminary arrangements for
6 the War Minister. Do you mean to state that the
7 attendants had no voice in decisions reached at
8 Imperial Headquarters?

9 A Yes.

10 Q Then, actually the Director of the Military
11 Affairs Bureau and the Director of the Personnel
12 Affairs Bureau attended only in an advisory
13 capacity to the War Minister?

14 A Yes, that is so.

15 Q Do you know where policies and regulations
16 were written relative to the treatment of prisoners
17 of war, what bureau or section?

18 A By the Prisoner of War Administration
19 Bureau. That is where they were drafted.

1 MR. FREEMAN: If the Tribunal please, that
2 is all the questions I have to ask, but I would
3 like to direct the Tribunal's attention to page
4 16,966 of the record and I wish to read a conclusion
5 drawn by the prosecution.

6 ACTING PRESIDENT: I don't think that is
7 proper at this time. You can do it in summation.

8 MR. FREEMAN: I direct the Tribunal's
9 attention to that section.

10 MR. LOPEZ: If the Tribunal please.

11 ACTING PRESIDENT: Mr. Lopez.

12 CROSS-EXAMINATION

13 BY MR. LOPEZ:

14 Q With reference to paragraph 4 of your
15 affidavit on the last page: Throughout your long
16 connection with the Military Affairs Bureau, did you
17 ever attend a meeting of the Supreme War Council?

18 A No.

19 Q Did you ever attend a meeting of the Privy
20 Council?

21 A Not at the conference.

22 Q Where did you attend then?

23 A To a meeting of the Chief Secretary of the
24 Privy Council for the purpose of explaining matters
25 on the agenda.

1 Q How about any meeting of the Imperial
2 General Headquarters; were you able to attend
3 one of them?

4 A No.

5 Q Do you know where the meetings of the
6 Imperial General Headquarters were being held?

7 A The meetings or conferences of the Imperial
8 General Headquarters were held at times within the
9 Imperial Palace and at times at the General Staff
10 Headquarters, but I do not know all the locations --
11 the location of all of these meetings.

12 Q How about the place of the meeting of the
13 Privy Council; do you happen to know that?

14 A Yes.

15 Q Where?

16 A Within the Imperial Palace.

17 Q How about the meetings of the Supreme War
18 Council; where were they held?

19 A In the Imperial Palace.

20 Q What room?

21 A I do not know the name of the room, but I
22 know the room in which the conferences were held.

23 Q Have you been in that room?

24 A Yes, when the conference was not in session.

25 Q Have you ever attended any meeting of the

liaison conferences?

1 A No.

2 Q Do you know where the meetings were being
3 held?

4 A Yes.

5 Q Where?

6 A In most cases, a certain room in the Imperial
7 Palace.

8 MR. LOPEZ: That is all for the cross-
9 examination, your Honor.

10 MR. COLE: Mr. President, I refer now to
11 exhibit 2243-A.

12 ACTING PRESIDENT: Mr. Cole, what do you
13 want to do with this witness?

14 MR. COLE: I beg your pardon. May the witness
15 be excused on the usual terms?

16 ACTING PRESIDENT: He is excused accordingly.
17
(Whereupon, the witness was excused.)

18
19 - - -

20 MR. COLE: I refer now to exhibit 2243-A.
21 This exhibit was an article from the Japan Times and
22 Mail and purported to describe a speech made by this
23 accused in a Diet committee meeting.

24 We propose to offer the minutes of that
25 meeting only so far as they set out the accused's

liaison conferences?

1 A No.

2 Q Do you know where the meetings were being
3 held?

4 A Yes.

5 Q Where?

6 A In most cases, a certain room in the Imperial
7 Palace.

8 MR. LOPEZ: That is all for the cross-
9 examination, your Honor.

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11 exhibit 2243-A.

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13 want to do with this witness?

14 MR. COLE: I beg your pardon. May the witness
15 be excused on the usual terms?

16 ACTING PRESIDENT: He is excused accordingly.

17 (Whereupon, the witness was excused.)

18 - - -

19 MR. COLE: I refer now to exhibit 2243-A.

20 This exhibit was an article from the Japan Times and
21 Mail and purported to describe a speech made by this
22 accused in a Diet committee meeting.

23 We propose to offer the minutes of that
24 meeting only so far as they set out the accused's

1 actual remarks, without the headlines and editorial
2 interpretations found in the prosecution exhibit.

3 I offer in evidence defense document 2734.

4 MR. LOPEZ: If the Tribunal please, we have
5 no objection. On the contrary, we welcome it.

6 ACTING PRESIDENT: Admitted on the usual terms.

7 CLERK OF THE COURT: Defense document 2734
8 will receive exhibit No. 3440.

9 (Whereupon, the document above re-
10 ferred to was marked defense exhibit No. 3440
11 and received in evidence.)

12 MR. COLE: I omit the heading, except for
13 the date:

14 "Tuesday session, March 19, 1940 at 1:39 p.m.

15 "Government Committeeman MUTO:

16 "I hereby express my heartfelt support towards
17 the opinion of Committeeman HAMAJI. Thus, I believe,
18 my answer has already reached its conclusion, but
19 inasmuch as I am given this opportunity to express
20 my opinion, I would like to express a part of what I
21 have been impressed with for some time. It is the
22 attitude of mind for us Japanese to take in surmounting
23 this emergency with which we are confronted. I am
24 of the opinion that we must, by all means, have the
25 spirit of leadership commonly needed for attaining

1 its purpose. It is, as already stated by War
2 Minister TERAUCHI in the Diet, essential to oust
3 individualism and all liberalism originating from
4 the former which will attach too much importance
5 to personal interests to cope with the present
6 international situation. Looking over the present
7 international situation, all the nations, irregardless
8 of which one, are proceeding to attach importance to
9 a national standard. Even observing economic relations,
10 they are all carrying on economic transactions with
11 one another with the nation as the unit. That
12 furthermore this has progressed to a 'bloc' economy.
13 Each one of them has come to think of attaching
14 importance to the nation as a unit in competition,
15 rather than personal gains in an economic race in
16 ordinary times.
17

18 "I am firmly convinced that it is an inevitably
19 impossible matter to unite and give full swing to all
20 the strengths of Japan at this time of emergency when
21 Japan must raise all her strength to see through the
22 emergency with which she is confronted, so long as
23 greater importance is attached to personal interests.
24 In this connection, they speak of a matter called
25 totalitarianism in foreign countries. War Minister
TERAUCHI once stated that we must depend thoroughly

1 on totalitarianism, attaching importance to
2 patriotism. I do not know what this is properly
3 called, as I am not a scholar, but I wonder if the
4 word 'kokutaishugi' or principle of Japanese National
5 Constitution or National Polity would not be
6 satisfactory for this.

7 "It is my firm conviction that if everyone
8 of us would unite, all based on the nation more than
9 on the individual, the total strength of the nation
10 will be unified of itself, to give it full swing.
11 In this sense, as you previously pointed out, should
12 the political parties be neglectful of national
13 affairs, clinging to their own interests or maneuvers,
14 this absolutely would not be allowable. The same is
15 true of government officials. If they should swing
16 to self-complacency, as you have pointed out, they
17 should reflect on themselves and reform such undesirable
18 convention without wasting a minute. Again, as for
19 the army, in other words, armed forces, should there
20 be any points that should be criticised for our being
21 high-handed, it should be amended immediately also.

22
23 "I firmly believe that the attitude to see
24 the nation over these extraordinary times is for us
25 to fully realize a sense of nationalism and to act
in concert with one another. In other words, if the

1 political parties, the government officials, the
2 military authorities and all the others would
3 reflect on themselves and amend what should be amended,
4 and closely co-operate with one another, fully realizing
5 the sense of national polity, I am rather hopeful
6 of the future and believe that the current emergency
7 will unmistakably be seen through. You asked me of
8 my opinion about the political parties. If there
9 should still be any political parties clinging to
10 their own interests or maneuvers, they ought to
11 immediately reflect on themselves. In the event
12 that they refuse to reflect on themselves, I believe
13 legal measures should be taken so as to have them
14 dissolved in these emergency times. You mentioned
15 that for close co-operation of the army, government
16 officials, and political parties, the military
17 authorities are too powerful. What you have said
18 can be interpreted in various ways, but it cannot
19 be said that the military is too strong for fighting
20 with a foreign enemy, no matter how strong they may
21 be. From what you said previously, you probably had
22 in mind that the army is too high-handed in the matter
23 of uniting and co-operating -- that it is out of the
24 question to act in close concert with them. In this
25 connection, I believe as follows: There is much

1 discussion that the military interfere in politics,
2 but perfect understanding must be reached by both
3 the military and the politicians for the purpose of
4 bringing this war to a successful conclusion. In
5 the case of an individual who is a general and a
6 politician at the same time, things would be in
7 agreement; but under the present national structure
8 the politicians take charge of politics and the
9 generals lead the military forces, and are quite
10 separate. If the politicians should fully understand
11 the military forces in every respect, the latter would
12 be able to devote itself to its own affairs and feel
13 at ease.

14 "This is, as a matter of fact, however,
15 impossible; so for the military to say we would like
16 to have this done, that done in order to see the
17 successful prosecution of the war is only a natural
18 thing. I am firmly convinced that if you would read
19 but one page of the science of war you would be in
20 complete agreement with me, and not ask further
21 questions. Particularly in the case of modern war,
22 where we are forced to concentrate all-out national
23 energy. We, on the part of the army, hold a keen
24 interest on even a trifling matter such as the shortage
25 of one grain of rice or the sabotage of a single

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2 but perfect understanding must be reached by both
3 the military and the politicians for the purpose of
4 bringing this war to a successful conclusion. In
5 the case of an individual who is a general and a
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11 the military forces in every respect, the latter would
12 be able to devote itself to its own affairs and feel
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15 impossible; so for the military to say we would like
16 to have this done, that done in order to see the
17 successful prosecution of the war is only a natural
18 thing. I am firmly convinced that if you would read
19 but one page of the science of war you would be in
20 complete agreement with me, and not ask further
21 questions. Particularly in the case of modern war,
22 where we are forced to concentrate all-out national
23 energy. We, on the part of the army, hold a keen
24 interest on even a trifling matter such as the shortage
25 of one grain of rice or the sabotage of a single

1 laborer; in other word, if there should occur a
2 shortage of rice for the people to eat, it would
3 threaten the stabilization of the nation and it would
4 have such far-reaching effects in the leadership
5 of the war. Should the sabotage of a single laborer
6 prevent a single part of a weapon from being produced,
7 it would have serious effects on the prosecution of
8 the war. Consequently, we sincerely hope you would
9 fully understand the fact that we have to ask for this
10 to be done and that to be done, and take a keen
11 interest in every particular of both politics and
12 economics."

13 ACTING PRESIDENT: This is a convenient
14 place to stop. We will adjourn until one-thirty.

15 (Whereupon, at 1200, a recess was taken.)

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1 The Tribunal met pursuant to recess at 1335.

2 MARSHAL OF THE COURT: The International
3 Military Tribunal for the Far East is now in session.

4 ACTING PRESIDENT: Mr. Cole.

5 MR. COLE: I continue reading at the bottom
6 of page 5:

7 "I do not believe this is interference in
8 politics. To work cooperatively and unitedly I believe
9 one should speak out his opinion; accordingly I would
10 like to request your understanding on this point. And
11 if the will or indication of the military in these
12 demands are to be mistaken as being too strong, the
13 political parties or government officials should
14 frankly give their opinions without hesitation so that
15 we may proceed understanding one another.

16 "I wonder if the case is not where it is, not
17 that the military is too strong, but that the political
18 parties are too weak. I have expressed my various
19 views, but the point is that we should fully realize
20 the mission of Imperial Japan, take full cognizance of
21 the emergency, and exchange frank opinions with each
22 other, in order that we may arrive at an agreement on
23 both political and military policies.

24 "Therefore, I quite agree to the suggestion in
25 which you have stressed the importance of the fact that

1 the military authorities should always act in close
2 concert with the political parties.

3 "Finally, you advised us about the relations
4 between the militarists and the merchants, to which we
5 intend to pay full attention. The other day, the War
6 Minister simultaneously with the decision made on the
7 budget at the cabinet meeting, informed all the forces
8 to the effect that whether it may be a single penny or
9 a single item, let it be used with care, as they are
10 the crystals of painstaking labor of the people. Every-
11 thing is being handled with this attitude and I am
12 hopeful of there not being any mistakes ever."

13 I omit the balance of the document.

14 I now offer in evidence defense document 2786,
15 the sworn deposition of ISHII, Akiho, and respectfully
16 call attention to the doctor's diagnosis at the end of
17 the document, stating the inability of Colonel ISHII
18 to be present before the Tribunal. This witness served
19 in the Military Affairs Bureau under the accused, and
20 relates, from his personal knowledge, General MUTO's
21 actions and efforts in several matters of importance,
22 including attempted settlement of the China Incident,
23 the Tripartite Pact, and the Japanese-American nego-
24 tiations.

25 ACTING PRESIDENT: Mr. Lopez.

1 MR. LOPEZ: If your Honor please, we object
2 to the admission of the affidavit on the ground that
3 the witness is not made available for cross-examination.
4 The witness resides in Japan and there has been no
5 justifiable showing made why the rigidly enforced rule
6 of this Court should be relaxed in this particular case.

7 ACTING PRESIDENT: Do you desire to cross-
8 examine?

9 MR. LOPEZ: Yes, sir.

10 MR. COLE: If the Tribunal please, I want to
11 make my position clear in answer to this objection.
12 We are not only willing, but eager that the prosecution
13 should have a chance to cross-examine this witness.
14 Colonel ISHII has been in the hospital for I think
15 approximately two years with tuberculosis. The latest
16 certificate from his physician estimates that he will
17 be hospitalized for six months to one year. On the
18 8th of October I took the proposed affidavit to the
19 prosecution and stated what the circumstances were.
20 One thing further: when our affidavit was taken, one
21 lawyer from my office and myself were the only ones to
22 see Colonel ISHII. Even under those conditions it was
23 necessary for us to talk with him only twenty minutes
24 to a half hour at a time and then to remove ourselves
25 until his temperature and pulse were down.

1 ACTING PRESIDENT: That was the 12th day of
2 February, according to the affidavit.

3 MR. COLE: Yes, sir. That was during our
4 winter recess.

5 MR. LOPEZ: If the Tribunal please, a commission
6 was created and a deposition was taken of a defense
7 witness under similar circumstances who was also suffer-
8 ing from tuberculosis. From what I know of the disease
9 it is a very benign disease. I ought to know because
10 my father died of it. A man never loses consciousness
11 until he finally dies. Defense counsel had ample time
12 and opportunity to have asked this Tribunal for the
13 creation of a commission to take the deposition of this
14 witness. If his testimony were not so important,
15 your Honors, I would not have pressed this objection
16 any further.

17 MR. COLE: May it be made clear, if the
18 Tribunal please, that we do not oppose cross-examination
19 of Colonel ISHII? My suggestion is this: that an
20 interrogatory be agreed upon so that it can be taken
21 care of under conditions which are favorable to his
22 health. If a commission of even eight or ten persons
23 should attempt to conduct an examination of him in his
24 hospital room, I can well imagine the effect on his
25 health and the inconvenience of that commission.

1 I should like to be allowed to read the affidavit
2 and have it admitted, subject to an interrogatory
3 prepared by the prosecution and agreed upon with us.
4 That is all.

5 ACTING PRESIDENT: Can you and the prosecution
6 agree on the interrogatories?

7 MR. LOPEZ: We should like to insist upon a
8 cross-examination.

9 ACTING PRESIDENT: A majority of the Tribunal
10 feels that a commission should be appointed and if the
11 commission finds out that the witness is too ill to be
12 examined by the commission, they can act accordingly
13 and take whatever steps may be necessary at that time.

14 MR. LOPEZ: Very well, sir.

15 ACTING PRESIDENT: The document will be with-
16 drawn at the present time.

17 MR. COLE: I next offer in evidence defense
18 document 2579, the affidavit of Bishop James Edward
19 Walsh. Bishop Walsh became acquainted with this accused
20 during a trip to Japan, and gives illuminating evidence
21 regarding General MUTO's energetic and, for himself,
22 sometimes dangerous efforts to bring about an early and
23 mutually satisfactory settlement of the Japanese-American
24 problems in 1940 and 1941. Bishop Walsh also testifies
25 to their joint activities in the same connection. At the

1 request of the State Department of the United States,
2 I propose to omit the first three lines of the paragraph
3 beginning at the bottom of page 1 of the English version,
4 starting in the fourth line with "we agreed to take," etc.

5 MR. LOPEZ: If the Tribunal please, no objection
6 except to the following portions, which are objected to
7 as conclusions and opinions of the witness:

8 The last sentence of the last paragraph on
9 page 3, which begins "I am satisfied," down to "Mr.
10 IKAWA," the last two paragraphs on page 4, and paragraph
11 6 is likewise objected to on the ground that it is
12 immaterial and irrelevant.

13 ACTING PRESIDENT: Have you anything to say,
14 Mr. Cole?

15 MR. COLE: As to the first objection, your
16 Honor, on page 3, at the bottom of the page, I assume
17 that the objection is based on the claim that that is
18 a conclusion. Bishop Walsh uses the words "satisfied"
19 and "conviction," which seems to me to suggest that he
20 knows it, and therefore it is not a conclusion.

21 As to paragraphs 5 and 6, we are most willing
22 that they be omitted.

23 I was not entirely clear on the objection at
24 the bottom of page 4, as to whether it was paragraphs
25 5 and 6 which that covers, or something in addition.

MR. LOPEZ: In answer to the query of learned counsel for the defense, I would say **it is** the last two paragraphs on page 4, beginning with "This concludes", down to "subsequent negotiations."

Regarding the first objection, we offer the additional objection that it is speculative.

ACTING PRESIDENT: By a majority of the Court, the objection is sustained and the document will be admitted, subject to the parts objected to.

10 CLERK OF THE COURT: Defense document 2579
11 will receive exhibit number 3441.

12 (Whereupon, defense document No. 2579
13 was marked defense exhibit No. 3441, and
14 received in evidence.)

WALSH

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1 MR. COLE: I will read exhibit 3441.

2 " I, JAMES EDWARD WALSH, being first duly
3 sworn, on oath, depose and say:

4 "That I am now, and was at all times herein
5 mentioned, a Bishop of the Roman Catholic Church belong-
6 ing to and affiliated with the Catholic Foreign Mis-
7 sion Society of America, also known as the Maryknoll
8 Society; that at the time of the happening of the
9 occurrence of the facts herein related I was Superior
10 General of the said Maryknoll Society;

11 "That General MUTO, Akira occupied the posi-
12 tion of Director of the Central Bureau of Military
13 Affairs, with his office in Tokyo, at the time when I
14 made his acquaintance. The following statement con-
15 tains the facts that are known to me regarding the
16 part taken by General MUTO in the peace negotiations
17 of 1941.

18 "1. In late November, 1940, Father James M.
19 Drought of Maryknoll (since deceased) and the under-
20 signed were in Japan. While in Tokyo, we were asked
21 by Mr. MATSUOKA, then Minister of Foreign Affairs, if
22 we would take a message to Washington to the effect
23 that the Japanese Government wished to negotiate a
24 peace agreement. As far as I recall, Mr. MATSUOKA
25 was not very definite about the terms of such an

WALSH

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1
2 agreement. We were told by other officials and
3 spokesmen that the Japanese Government proposed as
4 basic terms of the agreement on their part: (1) a
5 guarantee to nullify their participation in the Axis
6 Pact, if not public repudiation, at least in some
7 definite manner that would be effective and complete,
8 and (2) a guarantee to recall all military forces from
9 China and to restore to China its geographic and
10 political integrity. Other conditions bearing on the
11 relations of Japan and the United States were to be
12 explored and agreed upon in the conversations that it
13 was hoped would ensue. These additional conditions,
14 largely economic in nature, were also discussed with
15 us; by Mr. MATSUOKA to some little extent, but at
16 greater length and with more detail by other repre-
17 sentatives of the Japanese Government, among whom Mr.
18 Tadao IKAWA (since deceased) known to us as a friend
19 and unofficial representative of the then Prime Min-
20 ister, Prince KONOYE (also since deceased) was the
21 most assiduous. Father Drought carried on most of
22 the conversations, as I was largely occupied with
23 missionary affairs.
24

25 "... We agreed to take the message, provided

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1 that some assurances would be forthcoming from repre-
2 sentatives of the Japanese Army and Navy regarding the
3 Japanese unanimity of purpose in reaching an agree-
4 ment and carrying it out.

5 " My line-a-day diary records the fact that
6 Father Drought and the undersigned were introduced to
7 General MUTO by Tadao IKAWA on December 27, 1940.
8 General MUTO was then Chief of the Central Bureau of

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Military Affairs. We met him at his office in Tokyo.
1 He did not appear to speak English, and neither Father
2 Drought nor the undersigned understood Japanese.
3 Accordingly, General MUTO spoke in Japanese, and Mr.
4 IKAWA translated his statements into English for us
5 then and there. I, the undersigned, made no record of
6 the conversation at the time, and I cannot pretend to
7 recall now with complete precision the exact words that
8 General MUTO used. I recall distinctly, however, the
9 substance of what General Muto said, particularly the
10 following statements: (1) that he and his associates
11 in the Japanese Army were in accord with the efforts
12 to reach a peace agreement, and (2) that he would do
13 all in his power to further and assist the efforts to
14 conclude a peace agreement. From this interview Father
15 Drought and I received the impression that General
16 MUTO was pledging himself -- and as far as it lay in
17 his power, the Army he represented -- to concurrence
18 in the proposed undertaking.

19
20 "I do not recall that the actual terms of the
21 proposed agreement were discussed with General MUTO,
22 although it is quite possible that they were. The
23 interview lasted for some time -- perhaps twenty minutes,
24 perhaps a half hour; the conversation was leisurely
25 and fairly lengthy, and in its course various pertinent

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1 points were touched upon. There may have been some
2 mention of the terms. However, I am unable to assert
3 of my own present knowledge that the terms were dis-
4 cussed. I have tried hard to recall this circumstance,
5 but I possess no distinct recollection in regard to
6 this particular point.

7 "I seem to recall, though rather vaguely,
8 that Father Drought had seen some representative of the
9 Japanese Navy some days previously, and had received
10 a similar assurance on behalf of the Navy. I do not
11 recall who this representative of the Navy was, although
12 I think that Father Drought must have mentioned his
13 name to me at the time.

14 "It had been represented to us from the begin-
15 ning, chiefly by Mr. IKAWA but also by others, that the
16 peace proposals not only had the concurrence of the
17 Prime Minister (Prince KONOYE), but were largely a
18 matter of his initiation. "We were told that we would
19 be taken to see the Prime Minister before leaving, if
20 we agreed to go to Washington. It was also made known
21 to us that the proponents of the plan would feel more
22 assurance if Father Drought and I both made the journey
23 to Washington in person.

24 "Father Drought and I had booked tentatively
25 on a ship to return to America. It was to sail from

WALSH

DIRECT

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1 Yokohama on December 28, 1940. The evening before
2 the ship was to sail (later on the same day of our
3 visit to General MUTO) we were taken to the Prime Min-
4 ister's office in Tokyo to see him. The Prime Minis-
5 ter was out at the time of our call, and we sailed the
6 next day (December 28th) without seeing him. Our ship
7 was the Nitta Maru.

8 "2. Father Drought and I proceeded to New
9 York, arriving there January 13, 1941. We got in touch
10 with Mr. Hull, the Secretary of State, as promptly as
11 we could. Mr. Hull arranged to have us explain the
12 Japanese proposals in the presence of President Roose-
13 velt and himself. On Thursday, January 23, 1941, we
14 were in Washington, where we explained the matter to
15 the best of our ability to the President and Mr. Hull.
16 Mr. Frank C. Walker, the Postmaster General, was also
17 present at the meeting, which took place in the Presi-
18 dent's office. The meeting lasted something like two
19 and a half hours, perhaps slightly longer; and a lengthy
20 explanation was given. The president and the Secretary
21 of State thanked us for the trouble we had taken, and
22 said they would take the matter under advisement.
23

24 "I believe it was shortly after this interview
25 that our Government decided to investigate the Japanese
proposals, and entered into some conversations with

1 representatives of the Japanese Government relative to
2 the matter.

3 "3. In June, 1941, I went again to Japan
4 to resume my interrupted visitation of the Maryknoll
5 missionaries there and elsewhere in the Far East. I
6 sailed from San Francisco on June 5 and arrived in
7 Japan on June 19. I carried out a complete visitation
8 of our missionaries in Kyoto (Japan) and in Pyengyang
9 (Korea). I wished to proceed to Fushun (Manchuria)
10 for a similar visitation of our missionaries there, but
11 I was informed by the local police in Korea that I would
12 not be allowed to proceed to Manchuria. No reason was
13 given for the prohibition. I returned to Kyoto (Japan)
14 and had not been long there when I was sought out by
15 Mr. Tadao IKAWA. Mr. IKAWA had been sent to Washington
16 to take part in the peace agreement conversations, and
17 had now concluded his mission and returned to Japan. He
18 informed me that the peace proposals had encountered
19 difficulties, but that there was still some hope of a
20 successful termination. He asked me if I would lend
21 my assistance in continuing the negotiations, particu-
22 larly in the matter of helping to get messages to and
23 from the State Department in Washington and to and from
24 the American Embassy in Tokyo. On reflection I replied
25 that I would do so to the extent I considered proper,

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1 representatives of the Japanese Government relative to
2 the matter.

3 "3. In June, 1941, I went again to Japan
4 to resume my interrupted visitation of the Maryknoll
5 missionaries there and elsewhere in the Far East. I
6 sailed from San Francisco on June 5 and arrived in
7 Japan on June 19. I carried out a complete visitation
8 of our missionaries in Kyoto (Japan) and in Pyengyang
9 (Korea). I wished to proceed to Fushun (Manchuria)
10 for a similar visitation of our missionaries there, but
11 I was informed by the local police in Korea that I would
12 not be allowed to proceed to Manchuria. No reason was
13 given for the prohibition. I returned to Kyoto (Japan)
14 and had not been long there when I was sought out by
15 Mr. Tadao IKAWA. Mr. IKAWA had been sent to Washington
16 to take part in the peace agreement conversations, and
17 had now concluded his mission and returned to Japan. He
18 informed me that the peace proposals had encountered
19 difficulties, but that there was still some hope of a
20 successful termination. He asked me if I would lend
21 my assistance in continuing the negotiations, particu-
22 larly in the matter of helping to get messages to and
23 from the State Department in Washington and to and from
24 the American Embassy in Tokyo. On reflection I replied
25 that I would do so to the extent I considered proper,

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1 if the American Embassy approved my doing so. This
2 was in late August, 1941.

3 "On consulting Mr. Eugene Dooman at the
4 American Embassy in Tokyo, I was advised that my
5 cooperation in the capacity outlined might prove useful,
6 and I understood that I was more or less encouraged to
7 perform this little function of helping to transmit
8 information when need arose. I understood also that
9 Mr. Dooman consulted Mr. Grew, the Ambassador, about
10 this procedure and obtained his approval for it.

11 "Mr. IKAWA and I then spent something like
12 two months in facilitating the exchange of information
13 and messages between the Japanese Government, on the
14 one hand, and the United States Government as represent-
15 ed by the State Department in Washington and the American
16 Embassy in Tokyo, on the other. There were many mes-
17 sages. All the messages for the State Department for-
18 warded through my agency were sent by me by cablegram,
19 under my own name and in plain English, but concealed
20 under missionary phraseology, to Father Drought at
21 Maryknoll, New York, for transmission to the officials
22 of the State Department. All the messages for the
23 American Embassy in Tokyo were taken to the Embassy
24 personally by me and given to Mr. Eugene Dooman by word
25 of mouth.

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1 "During this period I lived partly at the
2 Fujiya Hotel in Miyanoshita, and partly at the Beach
3 Hotel in Kamakura, sometimes in the company of Mr.
4 Tadao IKAWA and sometimes alone. Mr. IKAWA awakened
5 me very early one morning in the hotel at Miyanoshita
6 and said that he thought it would be safer if we changed
7 our place of residence. He explained that some of the
8 extremist elements might make trouble for us if we
9 remained. I understood him to refer, not to the ordin-
10 ary people but to the militaristic and pro-Nazi elements
11 in the government or the army or both. I distinctly
12 recall Mr. IKAWA's statement at this time to the effect
13 that General MUTO was protecting our activities and
14 would continue to do so to the best of his ability.
15 However, he also said that it was not possible to safe-
16 guard us against every possible eventuality, so we re-
17 moved at once to Kamakura.

18 "1. At Kamakura I continued for another month to
19 transmit messages in the manner already described. I
20 did not see General MUTO during this period, nor again
21 at any time...

22 "2. On October 14, 1941, I was asked by
23 Mr. IKAWA if I would take another message from the
24 Prime Minister (Prince KONOY?) to President Roosevelt
25 in Washington. I said I would consider it. I went to

1 the American Embassy and consulted Mr. Eugene Dooman
2 about the proposal. Mr. Dooman referred the matter
3 to Mr. Grew, the Ambassador, and then advised me that
4 the Embassy approved my taking the message. I then
5 went to the Prime Minister's office, where I was given
6 the message. Prince KONCYE recited his message to me
7 in Japanese, and it was rendered into English for me
8 on the spot by Mr. ITO (described to me as Secretary
9 of the Cabinet Information Board), who was present
10 at the interview. The message was a short statement
11 that reaffirmed the desire of the Japanese Government
12 to conclude the peace agreement. Its real intent, as
13 I was given to understand by Mr. IKAWA and Mr. ITO,
14 was to intimate that the pressure of events on the
15 Japanese Government was such that it would not be
16 able to negotiate much longer, but would have to reach
17 an agreement very soon or not at all. I tried to make
18 this clear in a memorandum which I later gave Mr. Hull,
19 the Secretary of State.

20 "Mr. IKAWA then gave me a ticket on a Japanese
21 plane that was to leave for Canton, China, the follow-
22 ing day. He told me that the ticket had been secured
23 for me by General MUTO. He also gave me a safe-conduct
24 letter from General MUTO, written in Japanese script and
25 signed with General MUTO's name. This letter is now in

1 the files at Maryknoll, New York. He also gave me a
2 code name for General MUTO, to be used in case it should
3 become necessary to refer to him in later messages.

4 The code name was 'Flowers.'

5 "There is no doubt in my mind that the safe-
6 conduct letter of General MUTO enabled me to proceed
7 successfully from Tokyo to Hongkong, preparatory
8 to reaching Washington with my message. I left
9 Tokyo on October 15, 1941. When the plane arrived
10 in Fukuoka, the officials there appeared bent on
11 making me turn back, until I produced the letter of
12 General MUTO. The same thing happened a few days
13 later when I attempted to leave Canton, China, to
14 go to Macao by boat and thence to Hongkong. The
15 plane I had been on from Tokyo to Canton was filled
16 with Japanese Army officers. It also stopped at Naha
17 (overnight) and Formosa, but I do not recall if it
18 was necessary to use General MUTO's letter at these
19 places.

20 "While in Canton, I learned that a change
21 had occurred in the Japanese cabinet and that Prince
22 KONOYE had resigned. At the first opportunity I
23 cabled Mr. IKAWA in Tokyo to ask if there had been
24 any change in policy or attitude that would affect
25 the validity of the message I was carrying. Mr. IKAWA

1 replied to me by a cable to Manila, in which he said
2 that Flowers (General MUTO) gave assurance that there
3 had been no change.

4 "I proceeded to Washington and delivered
5 the message of Prince KONOYE to Secretary Hull on or
6 about November 15, 1941."

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1 MR. COLE: I next offer in evidence defense
2 document 2579A, the same being a photostatic copy of
3 the letter of safe conduct referred to by Bishop Walsh.

4 ACTING PRESIDENT: Admitted on the usual terms.

5 CLERK OF THE COURT: Defense document 2579A
6 will receive exhibit No. 3441A.

7 (Whereupon, the document above re-
8 ferred to was marked defense exhibit No. 3441A
9 and received in evidence.)

10 MR. COLE: I read this exhibit:

11 "Request. 14 October 1941.

12 "To all military and civil authorities concerned.

13 "Mr. Walsh, the American who bears this letter,
14 is making a trip to Canton with a special mission. Any
15 courtesy or consideration shown him will be greatly
16 appreciated."

17 Signed: "MUTO, Akira (seal)."

18 I call as the next witness IWAKURO, Hideo.

19 MARSHAL OF THE COURT: Mr. President, the
20 witness IWAKURO, Hideo is in Court. He has previously
21 testified before this Tribunal.

22 ACTING PRESIDENT: You are reminded that you
23 are still on your former oath.

24

25

IWAKURO

DIRECT

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H I D E O I W A K U R O , recalled as a witness on
1 behalf of the defense, having been previously
2 sworn, testified through Japanese interpreters
3 as follows:

4 DIRECT EXAMINATION

5 BY MR. COLE:

6 Q Mr. Witness, will you please state your name
7 and present address?

8 A My name is IWAKURO, Hideo. My address, No. 789,
9 Denenchofu, 2-Chome, Ota-ku, Tokyo.

10 MR. COLE: I ask that defense document 2589
11 be shown the witness.

12 (Whereupon, a document was handed to
13 the witness.)

14 Q Mr. Witness, I ask you if the document you
15 hold is your affidavit, signed and sworn to by yourself?

16 A This is my sworn deposition to which I have
17 affixed my signature and seal.

18 Q And are the matters contained therein true to
19 the best of your knowledge and belief?

20 A What I have set forth therein is the truth.

21 MR. COLE: If the Court please, we offer
22 defense document 2589 in evidence.

23 ACTING PRESIDENT: Admitted on the usual terms.

24 CLERK OF THE COURT: Defense document 2589 will

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receive exhibit No. 3442.

MR. COLF: Omitting the formal portions:

"I, IWAKURO, Hideo, live at No. 789, 2-Chome,
Denenchofu, Ota-ward, Tokyo Metropolis, and am aged 50.

"My Career: I was appointed an infantry sub-lieutenant in December 1918; was appointed a staff officer of the Kwantung Army in July 1932; served at the Army General Staff Office from August 1936; was appointed the Chief of the Military Administration Section of the War Ministry in February 1939; was appointed colonel in March of the same year, and went over to America as the officer attached to the Military Affairs Bureau to assist Ambassador NOMURA. After returning to Japan in August of the same year, I served as the Commander of an infantry regiment and as the Chief of the IWAKURO Organ successively; was appointed Major General in March 1943 and then served as the Chief of the General Affairs Division of the Sumatra Military Administration Department and as the Chief of the Staff of the 28th Army successively. At the time of the termination of war, I was attached to the Army Munitions Department. As mentioned above, I held a post in the Military

1 Administration Section of the Military Affairs Bureau
2 from August 1938 to March 1941, so I have a fair know-
3 ledge of diplomatic matters, since external affairs as
4 they affect the national defense are studied in this
5 bureau.

6 "The Army's opinion on the foreign policies
7 came from the national defense plan, of which the
8 General Staff was in charge. Besides, the General
9 Staff had the duty to collect and examine military
10 information and diplomatic information connected with
11 it, and supervised military attaches. Accordingly, the
12 Army's opinion on diplomatic policies used to be initi-
13 ated by the General Staff. The Military Affairs Bureau
14 was to report the matters transferred from the General
15 Staff to the War Minister and to negotiate with the
16 Foreign Ministry according to the War Minister's
17 intention. On the other hand, when any matter was pro-
18 posed by the Foreign Ministry to the Military Affairs
19 Bureau, the Military Affairs Bureau, after transferring
20 it to the General Staff to ask for its opinion, obtained
21 the Minister's decision on it and made a reply to the
22 Foreign Office. Such being the case, only a few
23 officers served at the Military Affairs Section of the
24 Military Affairs Bureau in considering diplomatic
25 affairs as they affected national defense."

IWAKURO

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1 The errata sheet carries over to paragraph F:
2 "On January 22, 1947, former Major General
3 TANAKA, Ryukichi testified that the Military Affairs
4 Bureau sustained a consistent policy aiming at the con-
5 clusion of the Tri-Partite Pact and of construction of
6 the Greater East Asia Co-Prosperity Sphere from the time
7 of the ABE Cabinet. Regarding the attitude of the Army
8 as to the Tri-Partite Pact it was remarkably different
9 from the way in which TANAKA described it. And it is
10 also groundless to say that the military authorities
11 had established a policy as to the construction of the
12 Greater East Asia Co-Prosperity Sphere.

13 "4. On the attitude of Director of the
14 Military Affairs Bureau, MUTO toward diplomatic problems:

15 "It was about the middle of October 1939 that
16 Major General MUTO arrived at his post as the Director
17 of the Military Affairs Bureau. I never heard from
18 Director MUTO of the proposed Tri-Partite Alliance.

19 "About the settlement of the China Incident,
20 however, he frequently gave his views. As he had been
21 on the China front for two years, he was well aware of
22 the extreme difficulty of settling the China Incident.
23 He believed that it was urgent for Japan to settle the
24 China Incident, and that, for that purpose, we should
25 not only directly deal with Chiang Kai-shek instead of

IWAKURO

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1 taking such an attitude as saying 'Japan will have
2 nothing to do with Chiang Kai-shek', but also make the
3 greatest concessions in the terms of negotiations, so
4 as to bring about peace between the two nations. He
5 further insisted on avoiding a dispute with any third
power.

6 "When the German forces won a victory over the
7 British Army in Dunkirk in May, 1940, I discussed it
8 with MUTO. He asserted himself, saying, 'Generally
9 speaking, many Japanese overestimate Germany's strength.
10 Nevertheless, the German Army will never be able to
11 invade Great Britain across the Straits of Dover. The
12 English are sure to rally mentally and materially through
13 the assistance of America. It is to be anticipated as
14 a matter of course that this war will be protracted.'

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IWAKURO

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1 "On the attitude of Director of the Military
2 Affairs Bureau MUTO toward the Japanese-American
3 negotiations. ---

4 "I went over to America in March 1941 as an
5 assistant of Ambassador NOMURA. It was because the
6 Ambassador asked Vice-Minister of War ANAMI and Chief
7 of the General Staff SUGIYAMA to send an assistant
8 and on the recommendation of Director MUTO the Minister
9 sent me.

10 "My main duty was to assist Ambassador NO-
11 MURA at large. Prior to my visit to America I made
12 arrangements with IKAWA, Tadao, with a view to
13 restoring promptly the diplomatic relations between
14 Japan and America. We proceeded with private nego-
15 tiations on adjustment of the Japanese-American dip-
16 lomatic relations with Maryknoll Bishop Walsh, Mr.
17 Drought, Secretary-General of Maryknoll, and others
18 in America. I, accordingly, prepared a program of
19 formalizing the negotiations between the two coun-
20 tries along this line. Prince KONOYE also expressed
21 himself in favor of our negotiations. Mr. IKAWA and
22 I, after going over to America, reported this plan to
23 Ambassador NOMURA who readily agreed with us. So from
24 then on the negotiations on adjusting the Japanese-
25 American diplomatic relations were entered into in

IWAKURO

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line with this plan.

1 "On April 15, 1941 our tentative plan
2 'Draft of the Understanding between Japan and
3 America' was unofficially taken up by Ambassador NO-
4 MURA and Secretary of State Hull and was reported by
5 telegram from the Embassy at Washington to the Foreign
6 Ministry. At the same time I wired War Minister
7 TOJO urging him to give his support to our proposals.
8 MUTO was very delighted at this, and sent me a tele-
9 gram of thanks.
10

11 "Later, in August 1941, I was ordered home
12 and returned to Japan. After returning home I was
13 informed by Director of the Military Affairs Bureau
14 MUTO that some of the staff of the Foreign Ministry
15 were criticizing the presence of outsiders in con-
16 nection with affairs of the Foreign Office, such as
17 the efforts of Mr. IKAWA and myself in assisting
18 Ambassador NOMURA, and that, accordingly, War Minister
19 TOJO ordered me to return home in order to get rid
20 of a possible obstacle to further negotiations.
21

22 "I made a report to the top officials of
23 the War Ministry after I returned home. I was glad
24 to find my efforts being appreciated beyond my ex-
25 pectation. MUTO especially asked me in various ways
 about the forecast.

1 "When I answered, saying, 'According to
2 my impression when I talked with Secretary of State
3 Hull and Postmaster General Walker, there is a full
4 possibility of bringing the negotiations to a suc-
5 cess,' he was very delighted.

6 "After that I left the War Ministry to be
7 appointed commander of an infantry regiment. My ac-
8 quaintances in the Military Affairs Bureau and the
9 General Staff Office informed me of the fact that
10 MUTO had made an effort to the last to conclude the
11 negotiations between Japan and America."

12 May I say, sir, that the telegram referred
13 to in the third paragraph on page 4 is covered by the
14 certificate 2860 which I mentioned this morning.

15 MR. LOPEZ: If the Tribunal please--

16 ACTING PRESIDENT: Mr. Lopez.

17 CROSS-EXAMINATION

18 BY MR. LOPEZ:

19 Q General, you were attached by the Military
20 Affairs Bureau on the staff of Admiral NOMURA in
21 Washington to represent the Army's viewpoint in the
22 vital negotiations going on at that time?

23 A Yes.

24 Q Of course, the Navy side was well taken care
25 of by the Admiral himself?

IWAKURO

CROSS

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1 A The naval side was, and the naval views were
2 fully represented by Captain YOKOYAMA, Naval Attaché
3 in Washington.

4 Q As a matter of fact you went to the United
5 States in active military status in your army uniform?

6 A Yes.

7 Q When you arrived in Washington your title
8 was Special Military Adviser to Admiral NOMURA, was
9 it not?

10 A Not as military adviser to the Ambassador,
11 Admiral NOMURA, but my orders were to assist him
12 generally.

13 Q Were you not known by the United States State
14 Department representatives as Special Military Adviser
15 to Admiral NOMURA?

16 A In what manner the United States Government
17 understood my position I do not know.

18 Q I refer to such representatives of the United
19 States Department as Mr. Ballantine, Mr. Hamilton, and
20 the Secretary of State, Mr. Hull, himself?

21 A Yes, I know that these gentlemen placed great
22 importance in me, but how they understood my status
23 I do not know.

24 Q But the fact of the matter was that during
25 the negotiations in Washington when you were there you

1 were the No. 1 spokesman for the Japanese Government,
2 were you not?

3 A Not the spokesman, but one of the several
4 responsible for the initiation of Japanese-American
5 negotiations.

6 Q But you carried the great part of the nego-
7 tiations, you were carrying the ball; so to speak,
8 most of the time when you were there?

9 A I was the actual author of the draft plan
10 for an understanding. At the same time, when the
11 negotiations were brought up to the Hull-NOMURA level,
12 I accompanied Ambassador NOMURA in his negotiations
13 and talks with Secretary Hull on several occasions.

14 Q On those several occasions Admiral NOMURA
15 allowed you to give your views to Secretary Hull
16 himself, is it not?

17 A At these conferences I was given the oppor-
18 tunity to express freely of my own opinion.

19 Q And to show the great importance that you
20 had in those negotiations, is it a fact that at one
21 time Admiral NOMURA requested Under Secretary Wells
22 whether you could see the President yourself?

23 A Well, I don't know of that fact at all. How-
24 ever, the Attorney General, Mr. Frank Walker -- cor-
25 rection: the Postmaster General Frank Walker had

1 said that I and IKAWA should meet Roosevelt, Presi-
2 dient Roosevelt.

3 Q Just to refresh your memory, did not Ambas-
4 sador NOMURA make this request when you were about
5 to leave for Japan sometime in July of 1941?

6 A No, I did not know that fact at all.

7 Q And as a matter of fact you yourself were
8 conscious of your great importance when in a conver-
9 sation with Mr. Ballantine of the United States State
10 Department you dropped a hint whether it could be
11 arranged that you meet the President yourself?

12 A I, myself, am conscious that I was engaged
13 in a very important work, but I have no recollection
14 whatsoever today that I ever expressed a desire to
15 Mr. Ballantine that I wanted to see the President of
16 the United States.

17 Q You said awhile ago that you expressed your
18 views on the issues pending negotiations, were they
19 your own views or the views of the Army which you
20 represented?

21 A Generally speaking, the views that I ex-
22 pressed were in accord with the general policy of
23 the Army. But my own personal views were also in-
24 cluded in my expressions at the conference -- at the
25 talks, correction.

1 Q Were you being cued up from Tokyo what to
2 say, what to do, in Washington?

3 A Not necessarily on minor matters. However,
4 I did not receive any directions from the Army with
5 respect to any particular matters. However, I knew
6 that the official government viewpoints were wired
7 by the Ministry for Foreign Affairs, and in those
8 reports were included the Army's views also.

9 Q Did not the Army here through the War Minis-
10 try send you instructions what to do?

11 A I have no recollection of receiving direct
12 orders or instructions from the Army.

13 Q Particularly from your friend and superior,
14 the Chief of the Military Affairs Bureau at that time,
15 the defendant MUTO now, you didn't receive any instruc-
16 tions from him?

17 A I have never received any instructions from
18 him.

19 Q Were you not making any reports to him?

20 A As far as reports are concerned, I knew that
21 if they were sent to the Foreign Office they would,
22 as a matter of course, be referred to the Army.

23 Q But you are positive that you didn't send any
24 report direct to Mr. MUTO, or General MUTO?

25 A Yes, I can say so.

1 Q Going back to the views expressed by you
2 to the representatives of the United States Govern-
3 ment, did you, or did you not, on June 4, 1941 have
4 a conference with Secretary Hull, Mr. WAKASUGI,
5 Mr. IKAWA, Mr. MATSUDAIRA, Mr. Hamilton and Mr. Bal-
6 lantine?

7 A I do not recall the date, the 4th of June,
8 but I do remember a conference.

9 Q And it was held at the Wardman Park Hotel
10 at 3 o'clock in the afternoon?

11 A Probably, yes.

12 Q Is it not a fact that at that conference you
13 explained that it was entirely incorrect to assume
14 that the purpose of the understanding was to enable
15 Japan to drift away from the Tripartite Pact, and that
16 if the United States should become involved in the
17 European war, and the circumstances such as would
18 call for Japan to act under its interpretation of
19 its obligations, Japan would feel obliged to dis-
20 charge its obligations, much as Japan would regret
21 taking up arms against the United States?

22 A Yes, I think I explained in such a manner
23 probably.

24 Mr. LOPEZ: May the witness be shown IPS
25 document No. 3127?

1 Q Going back to the views expressed by you
2 to the representatives of the United States Govern-
3 ment, did you, or did you not, on June 4, 1941 have
4 a conference with Secretary Hull, Mr. WAKASUGI,
5 Mr. IKAWA, Mr. MATSUDAIRA, Mr. Hamilton and Mr. Bal-
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12 at 3 o'clock in the afternoon?
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17 explained that it was entirely incorrect to assume
18 that the purpose of the understanding was to enable
19 Japan to drift away from the Tripartite Pact, and that
20 if the United States should become involved in the
21 European war, and the circumstances such as would
22 call for Japan to act under its interpretation of
23 its obligations, Japan would feel obliged to dis-
24 charge its obligations, much as Japan would regret
25 taking up arms against the United States?
26

27 A Yes, I think I explained in such a manner
28 probably.
29

30 Mr. LOPEZ: May the witness be shown IPS
31 document No. 3127?
32

1 May we withdraw the question for the time
2 being?

3 Q General, you were pulled out from Washington
4 after the entry of the Japanese troops into Indo-
5 China in July of 1941, is it not?

6 A Well, I do not know the reason, but because
7 the negotiations became somewhat difficult I wired
8 back to Japan saying that I would like to report the
9 details, and in reply to that telegram I was called
10 back.

11 Q Was that the only reason why you were sent
12 back from the United States to Japan?

13 A Well, I did not know the reason.

14 Q Is it not a fact that weeks previous to the
15 actual entry of Japanese troops into Indo-China, rep-
16 resentatives of the United States Government made
17 representations to you and Admiral NOMURA that the
18 United States Government had been receiving reports
19 of Japanese intention to penetrate into Indo-China?

20 A I have no recollection at present of receiv-
21 ing such news.

22 Q No, I am not referring to any news, I am re-
23 ferring to representations made to you by officials
24 of the State Department in Washington.

25 A I think there were representations, but I

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2 being?

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4 after the entry of the Japanese troops into Indo-
5 China in July of 1941, is it not?

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17 representations to you and Admiral NOMURA that the
18 United States Government had been receiving reports
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20 A I have no recollection at present of receiv-
21 ing such news.

22 Q No, I am not referring to any news, I am re-
23 ferring to representations made to you by officials
24 of the State Department in Washington.

25 A I think there were representations, but I

IWA-KURO

CROSS

33,006

have no clear recollection of them.

Q And you were told, you and Admiral NOMURA, by Secretary Hull and Under Secretary Wells that this move into Indo-China is a demonstration on the part of Japan of lack of sincerity in really entering into peaceful negotiations about the Pacific conflict, is it not?

4. That may have been so, but I have no recollection now.

Q And because of the entry into Indo-China by Japanese troops, the President of the United States issued the freezing order, is it not?

A Yes, that is how I understand it.

Q And because of that entry, too, the whole negotiations were disrupted and broken, is it not?

4 It met with great difficulties.

ACTING PRESIDENT: We will recess for fifteen minutes.

(Whereupon, at 1445, a recess was taken until 1500, after which the proceedings were resumed as follows:)

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1 MARSHAL OF THIS COURT: The International
2 Military Tribunal for the Far East is now resumed.

3 ACTING PRESIDENT: Mr. Lopez.

4 MR. LOPEZ: If the Tribunal please, may the
5 witness be shown IPS Document No. 3127?

6 (Whereupon, a document was handed
7 to the witness.)

8 BY MR. LOPEZ (Continued):

9 Q Please tell the Tribunal what kind of
10 stamp appears on the face of that document.

11 A Do you want me to read it?

12 Q Do you know what I mean by seal or stamp on
13 the face of the document? Please do not read the
14 contents of the document. I am asking you merely
15 whether you know the seal on the cover of that docu-
16 ment.

17 A I wouldn't know the meaning unless I read it.

18 Q I am asking you whether you know the seal
19 that appears on the front cover of the document.

20 A There isn't any seal on this document.

21 Q The stamp on the front cover. Is there no
22 stamp on the front cover?

23 A Yes.

24 Q Have you seen it already?

25 A Yes.

1 Q It is a secret seal, top secret seal, is it
2 not?

3 A Yes.

4 Q And please read the first line after the
5 secret seal, the telegram sent by the Chief of the
6 Military Affairs Bureau to Colonel IWAKURO on the
7 2d of June.

8 (hereupon, the witness spoke in
9 Japanese.)

10 MR. COLE: May I interrupt, sir?

11 ACTING PRESIDENT: Witness, wait a minute.
12 Wait until he translates what the witness
13 said.

14 THE INTERPRETER: The witness: From the
15 Chief of the Military Affairs Bureau to Colonel
16 IWAKURO. "1. According to the information which is
17 reportedly given by President Roosevelt to the Repre-
18 sentatives of Congress, in his 'fireside chats,' the
19 aim of the President in adopting a new conciliatory
20 policy towards Japan is the transfer of the Pacific
21 Fleet to the Atlantic Ocean. According to the said
22 explanation, the U. S. seems to be possessed of a
23 specially strong wishful thinking in judging that
24 Japan will refuse to perform her duty of attacking
25 the United States under" -- interruption.

1 ACTING PRESIDENT: Now, what is your objection?

2 MR. COLE: If the Tribunal please, I object
3 to the document being read before it is offered and
4 admitted in evidence. We haven't had a chance to
5 look at it. We do not know what is in it, and it is
6 being read now.

7 ACTING PRESIDENT: Apparently, the answer
8 goes far beyond the question.

9 MR. LOPEZ: But, nevertheless, if the Tri-
10 bunal please, the question was already answered by
11 the witness voluntarily.

12 ACTING PRESIDENT: But before he reads it
13 the document should be admitted into evidence.

14 MR. COLE: And if your Honor please, I
15 request, too, that we may see an English copy to know
16 what the document says.

17 ACTING PRESIDENT: You will be given a copy
18 at the proper time.

19 BY MR. LOPEZ (Continued):

20 Q The Colonel IWAKURO mentioned in the docu-
21 ment is you, isn't it?

22 A Yes.

23 Q And the Chief of the Military Affairs Bureau
24 that sent you that cable is the defendant MUTO, is he
25 not?

1 A Yes.

2 MR. LOPEZ: At this juncture, if the Tribunal
3 please, we offer in evidence IPS document 3127.

4 ACTING PRESIDENT: The document is admitted
5 on the usual terms.

6 CLERK OF THE COURT: Prosecution document
7 3127 will receive exhibit No. 3443.

8 ("hereupon, the document above
9 referred to was marked prosecution exhibit
10 No. 3443 and received in evidence.)

11 MR. COLE: I have not seen an English trans-
12 lation of this document, nor have we had an opportunity
13 to look at the original. I can't base an objection
14 without seeing one or the other.

15 ACTING PRESIDENT: This matter has been
16 repeatedly gone over time and time again, and the
17 holding has been that an official document of this
18 kind can be introduced in evidence, and you are not
19 entitled to see the contents of it until it is intro-
20 duced in evidence.

21 MR. COLE: May I reserve an objection until
22 after we have studied it?

23 ACTING PRESIDENT: Very well.

24 MR. LOPEZ: With the kind permission of the
25 Tribunal I read the text of the document.

1 THE PRESIDENT: Wait until the Tribunal
2 gets copies.

3 Proceed.

4 MR. LOPEZ: (Reading) "Strictly confidential.
5 Telegram sent by Chief of Military Affairs Bureau to
6 Colonel IWAKURO, 2 June.

7 "1. According to the information which is
8 reportedly given by President Roosevelt to the Repre-
9 sentatives of Congress, in his 'fireside chats,' the
10 aim of the President in adopting a new conciliatory
11 policy towards Japan is the transfer of the Pacific
12 Fleet to the Atlantic Ocean. According to the said
13 explanation, the U. S. seems to be possessed of a
14 specially strong wishful thinking in judging that
15 Japan will refuse to perform her duty of attacking the
16 U. S. under the Tri-Partite Alliance even in case of
17 the United States' entry into the war.

18 "2. In his 'fireside chats' he concluded
19 that the European war had already developed into a
20 world war and openly stated that the patrolling of
21 the United States had been greatly strengthened and
22 that every possible effort should be made in insuring
23 that goods necessary to England reach her safely.
24 At the same time, he expressed words of praise re-
25 garding Chiang Kai-shek for his continued resistance

IWAKURO

CROSS

33,012

1 against Japan and stated that he was convinced of
2 the furtherance of his resisting power. All the
3 above are against our wishes and this attitude should
4 be carefully watched.

5 "3. Furthermore, you are presumably already
6 aware of Foreign Minister MATSUOKA having sent an
7 inquiry to Ambassador NOMURA regarding the report that
8 according to the report of Halifax to Eden, Roosevelt
9 insinuated that in regard to these negotiations,
10 difference of views prevailed within the Japanese
11 Government (which is quite contrary to facts.)

12 "4. Please furnish me promptly, for my own
13 personal reference, with your frank opinion on the
14 present negotiations as well as your forecast for
15 the future based on the aforementioned items as well
16 as the atmosphere in the subsequent negotiations."

17 With the reading of this document we close
18 our cross-examination.

19 MR. COLE: I make no objection to the docu-
20 ment.

21 May the witness be excused on the usual terms?

22 ACTING PRESIDENT: He is excused accordingly.

23 MR. COLE: I beg your pardon, sir. I want
24 to ask one more question, if I may.

REDIRECT EXAMINATION

1 BY MR. COLE:

2 Q Mr. Witness, I want to clear up a confusion
3 in regard to an answer which you gave upon cross-
4 examination.

5 If I understand your answer correctly, you
6 said on being asked whether you were the representa-
7 tive of the Military Affairs Bureau that you were
8 such a representative. Is that strictly and completely
9 correct?

10 A The Military Affairs Bureau had no authority
11 to send anybody abroad, and so it was not in any posi-
12 tion to send any official representative outside of
13 Japan. And, therefore, in the strict sense of the
14 term, I was not a representative.

15 MR. COLE: That is all.

16 May the witness be excused on the usual terms?

17 ACTING PRESIDENT: He is excused accordingly.

18 (Whereupon, the witness was excused.)

19 MR. COLE: I call as our next witness,
20 YAMAMOTO, Kumaichi.

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25

YAMAMOTO

DIRECT

33,014

1 KUMAICHI YAMAMOTO, recalled as a
2 witness on behalf of the defense, having been
3 previously sworn, testified through Japanese
4 interpreters as follows:

5 ACTING PRESIDENT: You are reminded that
6 you are still under your former oath.

7 DIRECT EXAMINATION

8 BY MR. COLE:

9 Q Mr. Witness, will you please state your
10 name and present address?

11 A My name is YAMAMOTO, Kumaichi; my address,
12 No. 9, Shimouma-cho, 3-chome, Setagaya-ku, Tokyo.

13 MR. COLE: I ask that the witness be shown
14 defense document 2686.

15 (Whereupon, a document was handed to
16 the witness.)

17 Q Mr. Witness, will you state whether the docu-
18 ment you are holding is your affidavit, signed and sworn
19 to by yourself?

20 A This is a sworn deposition prepared by me,
21 and my signature and seal are affixed thereto.

22 Q Are the matters discussed therein true to the
23 best of your knowledge and belief?

24 A Yes.

25 MR. COLE: I offer in evidence defense

YAMAMOTO

DIRECT

33,015

document 2686.

1 MR. LOPEZ: If the Tribunal please, no objection
2 except to the last sentence of paragraph 1, page 1, as
3 being a conclusion; subparagraph 2 of paragraph 1
4 because it refers exclusively to HOSHINO; and, like-
5 wise, to the second and third sentences of subparagraph
6 3 on page 2.

7 ACTING PRESIDENT: Would you repeat that last
8 sentence again?

9 MR. LOPEZ: To the second and third sentences
10 of subparagraph 3 on page 2.

11 ACTING PRESIDENT: There are only two sentences
12 in the paragraph, that I can see.

13 MR. LOPEZ: Subparagraph 3 of paragraph 3,
14 starting with the sentence, "They seemed to have had
15 internal hardships..." until the words "...still deeply
16 impressed on me," as being the conclusion and opinion
17 of the witness.

18 ACTING PRESIDENT: Is the HOSHINO referred
19 to in subparagraph 2 of paragraph 1 one of the accused?

20 MR. COLE: Yes, that is right.

21 I will agree to omit the reading of those
22 sentences objected to.

23 THE PRESIDENT: The affidavit will be admitted
24 in evidence.

YAMAMOTO

DIRECT

33,016

1 CLERK OF THE COURT: Defense document 2686
2 will receive exhibit No. 3444.

3 (Whereupon, the document above
4 referred to was marked defense exhibit
5 No. 3444 and received in evidence.)

6 MR. COLE: I will read the exhibit, omitting
7 the introduction.

8 "1. I was Chief of the Far Eastern Bureau of
9 the Foreign Office since September 1940 and had con-
10 currently held the post of Chief of the American
11 Affairs Bureau since the last decade of October 1941.
12 Consequently, I had kept in close touch with MUTO and
13 OKA, Chiefs of the Military Affairs Bureaus of the
14 Ministries of the Army and Navy, who had been concerned
15 deeply with the negotiations between Japan and America.
16 Not only that, I had had many chances, through the
17 Liaison conferences between the government and the
18 Imperial General Headquarters, to meet these two per-
19 sons who were both secretaries of the conference, to
20 which I usually presented myself as a sort of liaison
21 secretary for the Foreign Office."

22 Skipping to paragraph numbered 2:

23 "2. I will explain further the duties of the
24 secretary for the liaison conference between the govern-
25 ment and the General Headquarters:

YAMAMOTO

DIRECT

33,017

1 "The secretary took charge of the clerical
2 work in the conference, namely, the preparation,
3 explanation and adjustment of the draft as well as
4 the collection of the materials concerned, etc.

5 "By preparation of the draft, I mean preparation
6 for submitting the draft which had been studied and
7 prepared by others on various matters which were deemed
8 necessary to be submitted to the conference.

9 "The draft was not written by the secretary
10 himself. It was to be written by the proper authori-
11 ties in the government or the General Headquarters,
12 respectively, through the ordinary business routine.
13 For instance, the draft on military matters was to be
14 done by the Ministry of the Army or Navy or by the
15 Supreme Command, and that on diplomatic matters would
16 be prepared by the Foreign Office, and those concerned
17 with the resources and productions were done by the
18 Planning Board. To collect and submit and distribute
19 these drafts to the conference is what is meant by
20 'preparation.'

21 "The adjustment of the draft means to adjust
22 the proposed draft after various amendments, as there
23 had usually been active exchange of opinions in the
24 conference.

25 "The decision of the conference was not made

YAMAMOTO

DIRECT

33,018

1 by a simple majority. The discussion was continued
2 until all views of the members present were completely
3 agreed, and after that all the members present signed
4 the draft decided upon.

5 "As I stated before, the secretary did not
6 attend the conference as one of the members, but as
7 a clerical official; so that neither HOSHINO, MUTO
8 nor OKA had any right to express their opinions, to
9 vote, nor had they the right to sign the document.

10 "3. Premier TOJO declared, at the beginning
11 of the conference which was opened immediately after
12 the formation of the TOJO Cabinet, that 'the new cabinet
13 will reconsider the Japan-American negotiations entirely
14 on a clean slate, freed from the decision on Septem-
15 ber 6,' and since then careful studies were continued.
16 In the meantime, MUTO, chief of the bureau, always
17 wished the negotiations to reach a satisfactory agree-
18 ment, and he had considerable anxiety in adjusting
19 and softening the strong opinion of some military group
20 which was too prone to be involved in the war.

21 "Especially in November 1941, on the prepara-
22 tion of the A and B drafts which were submitted to
23 America from Japan, a strong opinion was expressed from
24 a certain group of the Supreme Command of the army.
25 I heard from MUTO, however, that he succeeded with

YAMAMOTO

DIRECT

33,019

1 difficulty in bringing about a modification of these
2 strong opinions.

3 "In dealing with daily routine functions, MUTO
4 as well as OKA had to get the approval from the Supreme
5 Command, in addition to the consent of their senior
6 officers."

7 Skipping to paragraph 4:

8 "4. The Japanese draft which was decided upon
9 on November 5 was such that it was deemed to be most
10 fair under the political, economic and military
11 situation in Japan at the time, and, in Japan's view,
12 it was a draft which conceded the utmost, so we had
13 expected and heartily wished that the peace would be
14 brought about by understanding and compromise on the
15 part of America.

16 "In the middle part of November, when it was
17 reported from Ambassador NOMURA that President Roosevelt
18 proposed to offer his good offices between Japan and
19 China, we recognized a ray of hope for the future and I,
20 together with the two chiefs, was heartily glad and
21 was busily engaged in making preparations in the event
22 of an agreement's being concluded. The memory of this
23 situation is still very clear in my mind.

24 "At that time, there had been a clear under-
25 standing between the government and the Supreme Command

YAMAMOTO

DIRECT
Cross

33,020

that if the Japan-American negotiations should be
1 concluded, the emergency measures which had been taken
2 would be cancelled and the situation would be restored
3 to a **normal** condition. I remember it was in the
4 middle of November that both chiefs of bureaus told
5 me that although an instruction had already been issued
6 to the dispatched troops, simultaneously with the
7 conclusion of the negotiations, all emergency measures
8 should be immediately stopped. They were making their
9 best efforts in avoiding any fault in this respect,
10 as this was a most difficult work to be smoothly carried
11 through."

13 You may cross-examine.

14 MR. LOPEZ: If the Tribunal please.

15 CROSS-EXAMINATION

16 BY MR. LOPEZ:

17 Q You are the same YAMAMOTO, Chief of the
18 American Bureau of the Foreign Office, who had constant
19 telephonic conversations with KURUSU at Washington
20 and you at Tokyo in October, November and December of
21 1941?

22 A Yes.

23 Q You constantly gave instructions to Ambassador
24 KURUSU by telephone, using codes, did you not?

25 A I have contacted Ambassador KURUSU via the

YAMAMOTO

CROSS

33,021

1 telephone. However, I recall that the telephonic
2 conversation in which code was used occurred toward
3 the end of November -- My recollection is that when
4 code was used in a telephonic conversation, that was
5 after the latter part of November.

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L 1 Q You were also sending instructions to
e 2 Ambassador KURUSU and NOMURA by cable, secret cable?
f 3
l 4 A Instructions were not sent by me. They
e 5 were sent by the Foreign Minister.
r 6
& 7
W 8 Q On November 28, 1941, didn't you send the
o 9 following secret cable to NOMURA and KURUSU: "The
l 10 United States has gone ahead and presented this
f 11 humiliating proposal. This was quite unexpected and
e 12 extremely regrettable. The Imperial Government can
l 13 by no means use it as a basis for negotiations.
f 14 Therefore, with a report of the views of the Imperial
e 15 Government on this American proposal which I will send
l 16 you in two or three days, the negotiations will be
f 17 de facto ruptured. This is inevitable. However, I
e 18 do not wish you to give the impression that the
l 19 negotiations are broken. Merely say to them that
f 20 you are waiting instructions and that, although the
e 21 opinions of your government are not clear to you, to
l 22 your own way of thinking, the Imperial Government
f 23 has always made just claims and has borne great
e 24 sacrifices for the sake of peace in the Pacific"?

25 A I have a recollection that a telegram to the
same effect, in substance, was sent out toward the
end of November.

Q In your affidavit, Mr. YAMAMOTO, you state

1 that some time in the middle of November, 1941,
2 you were heartened by a proposal on the part of
3 President Roosevelt to mediate between China and
4 Japan and that for that reason General MUTO, Admiral
5 OKA and yourself prepared for plans about what the
6 Government of Japan should do if the agreements
7 were concluded successfully. Now, I ask you if
8 Admiral OKA submitted or prepared any plans to you
9 in that eventuality?

10 A I have no positive recollection of any --
11 whether any concrete plan was submitted by Chief of
12 the Naval Affairs Bureau OKA at that time. However,
13 I heard -- I received information that various
14 considerations were being given to the withdrawal --
15 to the rescinding of any emergency measures in the
16 event such an outcome was realized at that time.

17 Q How about General MUTO; did he prepare a
18 plan or submit it to you?

19 A With regard to military matters, he was
20 speaking of the same things as Admiral OKA was
21 speaking about. And it is my recollection that he
22 was constantly talking about the necessity of making
23 preparations for the withdrawal of Japanese troops
24 from China in the event an agreement was reached
25 between Japan and China -- Japan and the United States.

1 Q Therefore, we could say that there was
2 perfect harmony of views between you from the
3 Foreign Ministry, Admiral OKA from the Navy and
4 General MUTO from the War Ministry at that time. I
5 refer to the period after the receipt of the news
6 about the President's proposal of mediation.

7 A I cannot say that there was perfect agree-
8 ment of views with regard to concrete measures. By
9 the offer of mediation, there were prospects of a
10 successful outcome of the negotiations between the
11 United States and Japan, and there was perfect
12 agreement of views and harmony among us three with
13 regard to the necessity of making preparations with
14 such prospects in view.

15 Q And during that time MUTO expressed to you
16 his views about the stationing and withdrawal of
17 troops in China?

18 A It was felt that immediately upon the
19 consummation, a successful consummation of the
20 negotiations between the two countries, the question
21 of withdrawal of Japanese troops from China would
22 immediately arise and there was perfect agreement in
23 connection with the necessity of making concrete
24 preparations for such a move.

Q Mr. YAMAMOTO, you and I could save a lot of

1 Q Therefore, we could say that there was
2 perfect harmony of views between you from the
3 Foreign Ministry, Admiral OKA from the Navy and
4 General MUTO from the War Ministry at that time. I
5 refer to the period after the receipt of the news
6 about the President's proposal of mediation.

7 A I cannot say that there was perfect agree-
8 ment of views with regard to concrete measures. By
9 the offer of mediation, there were prospects of a
10 successful outcome of the negotiations between the
11 United States and Japan, and there was perfect
12 agreement of views and harmony among us three with
13 regard to the necessity of making preparations with
14 such prospects in view.

15 Q And during that time MUTO expressed to you
16 his views about the stationing and withdrawal of
17 troops in China?

18 A It was felt that immediately upon the
19 consummation, a successful consummation of the
20 negotiations between the two countries, the question
21 of withdrawal of Japanese troops from China would
22 immediately arise and there was perfect agreement in
23 connection with the necessity of making concrete
24 preparations for such a move.

25 Q Mr. YAMAMOTO, you and I could save a lot of

1 time if you would only answer briefly and to the
2 point my question.

3 I asked you if Mr. MUTO expressed to you
4 his views or not?

5 A Yes, he expressed his views to me.

6 Q In writing or just verbally?

7 A At that time my recollection is that these
8 views were expressed to me orally.

9 Q How about the question of oil; did MUTO express
10 to you his views in writing or verbally?

11 A Yes, there were various talks from General
12 MUTO in connection with the problem of petroleum
13 after the submission of proposition "B" to the
14 United States Government. In addition to what the
15 Chief of the Military Affairs MUTO told me orally,
16 my recollection is that around the middle of November
17 he submitted to me, in writing as reference, what he
18 said were the views of the General Staff Office
19 regarding the question.

20 Q That proposal called for asking for six
21 million tons of oil from the United States, did it
22 not -- demanded?

23 A It was considered necessary to secure
24 importation of oil to the amount of six million tons
25 per annum, and in my recollection our desire was to

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1 secure this amount of petroleum upon the consummation
2 and realization of proposal "B".
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1 Q Did not Mr. TOGO, as Foreign Minister,
2 consider this proposal as exorbitant, above the
3 normal, usual imports from the United States?

4 A MUTO's plan was presented not as reflect-
5 ing the views of the Army but as representing the
6 views of a section of the General Staff office.
7 At that time, I said that such an exorbitant amount
8 was out of the question, but I accepted the written
9 document for reference.

10 Q Did not the proposal state that if the
11 United States would not give that amount that Japan
12 would wage war against the United States -- would
13 commence military operations against the United
14 States? I changed the phrase; instead of "wage war"
15 "commence military operations."

16 A Well, I do not recall the exact words used,
17 but as far as I remember rather strong terms, which
18 sought to persuade the United States as much as
19 possible to accept the requests of the Japanese
20 Government, were used. When I presented this plan
21 to the Foreign Minister, he showed -- he expressed
22 anger and said that it was highly preposterous even
23 to receive such a plan, and I was reprimanded for
24 receiving it.

25 Q Is it not a fact, Mr. YAMAMOTO, that the

MUTO proposal called for military operations against
1 the United States even in the eventuality the United
2 States should agree to it, but if the United States
3 would not deliver the six million tons of oil in
4 equal amounts monthly, seven days from the time of
5 the conclusion of the agreement Japan should under-
6 take military operations against the United States?
7

A As I have said from the outset, this plan
8 was not submitted as the proposal of General MUTO,
9 and he gave it to me as reference, saying that there
10 was a section in the General Staff office which
11 held such views.
12

Q You will have ample opportunity to defend
13 MUTO by other statements, but please answer my last
14 question first.
15

THE MONITOR: Will you please repeat the
16 question, Mr. Lopez?
17

Q I said, you will have ample opportunity to
18 defend MUTO later, but please answer first my last
19 question, whether there was a demand on the United
20 States as I stated to you.
21

A As far as the United States was concerned,
22 such a plan was not -- the demand such as was in-
23 cluded in the plan was not submitted as it was.
24
25 Later, after very careful consideration, instructions

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20 defend MUTO later, but please answer first my last
21 question, whether there was a demand on the United
22 States as I stated to you.

23 A As far as the United States was concerned,
24 such a plan was not -- the demand such as was in-
25 cluded in the plan was not submitted as it was.
Later, after very careful consideration, instructions

were sent to request four million tons of oil, which figure was arrived at as a result of aggregating the average import volume in the past, the instructions being that this request should be submitted after the acceptance of proposal "B".

Q Was it not also true that you demanded --
the MUTO proposal demanded from the United States
that she ask the Netherlands Indies for four
million tons of oil and if the Netherlands Indies
would not comply with the delivery of that oil,
troops would be sent to the Netherlands Indies?

A I think there was something to the effect that the next step would be necessary in the event this demand was not accepted.

Q Proposals "A" and "B" contained demands for oil from the United States and the Netherlands, didn't they?

A The point is this: that whether with respect to proposal "A" or to proposal "B", if one of the two proposals were accepted by the United States Government, Japan sought to have the United States export to Japan the required amount of materials -- raw materials, including petroleum, to the extent which can be described as follows: that is, restoring the situation to the situation which

1 were sent to request four million tons of oil, which
2 figure was arrived at as a result of aggregating the
3 average import volume in the past, the instructions
4 being that this request should be submitted after
5 the acceptance of proposal "B".

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7 the MUTO proposal demanded from the United States
8 that she ask the Netherlands Indies for four
9 million tons of oil and if the Netherlands Indies
10 would not comply with the delivery of that oil,
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13 that the next step would be necessary in the event
14 this demand was not accepted.

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16 oil from the United States and the Netherlands,
17 didn't they?

18 A The point is this: that whether with
19 respect to proposal "A" or to proposal "B", if one
20 of the two proposals were accepted by the United
21 States Government, Japan sought to have the United
22 States export to Japan the required amount of
23 materials -- raw materials, including petroleum, to
24 the extent which can be described as follows: that
25 is, restoring the situation to the situation which

1 existed prior to the promulgation of the freezing
2 order. However, the concrete or exact amount of
3 raw materials, including oil, were not stipulated
4 in either proposal "A" or proposal "B". It was
5 the Japanese Government's intention to determine
6 the amount of oil to be imported following the
7 acceptance -- through negotiation following accept-
8 ance by the United States of proposal "A" or
9 proposal "B".

10 Q But, if the United States would not give
11 you the full amount you wanted -- demanded, what
12 would happen under the plan?

13 MR. COLE: If your Honor please, I object
14 to this question as calling for a purely speculative
15 answer.

16 ACTING PRESIDENT: Objection overruled.

17 A At that time, we did not have any idea --
18 entertain any ideas of returning again to the situ-
19 ation prevailing prior to the consummation of
20 negotiations when we considered the question of the
21 possibility of non-acceptance of the concrete
22 particulars of the Japanese demand.

23 Q My question is very simple, Mr. YAMAMOTO.
24 I will repeat it to you again, and please answer it
25 directly. Under the MUTC plan, what would happen

1 if the United States would not accept your demand
2 for four million tons of oil?

3 A It is my recollection that if the point
4 sought in the proposal, which was handed over to me
5 by MUTO, was not accepted, then we were to return
6 to the situation prevailing prior to the consummation
7 of the negotiations.

8 Q In plain, ordinary, common language of the
9 street, what does it mean, stripped of its diplo-
10 matic verbiage? What would happen under the MUTO
11 plan?

12 A Then, I shall reply, prior to the success-
13 ful consummation of the negotiations.

14 Q Which means attacking the United States by
15 military operations, isn't that it?

16 A At that time, my understanding, that was
17 not so.

18 Q Are you sure of that?

19 A I do not recall the phraseology used, but
20 my understanding was that there would be no war breaking
21 out merely because six million tons of oil were
22 refused.

23 ACTING PRESIDENT: We will adjourn until
24 nine-thirty tomorrow morning.

25 (Whereupon, at 1600, an adjournment

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1 was taken until Thursday, 13 November 1947,
2 at 0930.)
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